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OBSERVATIONS

ON THE

GOVERNMENT AND CONSTITUTION

OF

GREAT BRITAIN,

BY

JEROM ALLEY, L.L.B. M.R.I.A.

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ON THE

GOVERNMENT AND CONSTITUTION

OF

GREAT BRITAIN,

INCLUDING A VINDICATION OF BOTH FROM THE ASPERSIONS OF SOME LATE WRITERS, PARTICULARLY

Dr. PRICE, Dr. PRIESTLEY, and Mr. PAINE;

IN A LETTER TO

The Right Honourable LORD SHEFFIELD,

By the Rev. JEROM ALLEY, L.L.B. M.R.I.A.

AND AUTHOR OF

HISTORICAL ESSAYS ON THE LIVES OF WILLIAM THE THIRD, AND HENRY THE FOURTH, &c.

——— *Audi alteram partem.*

Equibus hi vacuas implent ſermonibus aures,
Hi narrata ferunt alio: menſuraque ficti
Creſcit, et auditis aliquid novus adjicit autor.
Illic credulitas, illic temerarius error,
Vanaque lætitia eſt, conſternatique timores,
Seditioque recens, dubioque autore ſuſurri.

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THAT the ſpirit of party has lately made a conſiderable progreſs in this kingdom, every man will readily admit, who has, in any degree, adverted to the temper of the times. The moſt miſchievous miſrepreſentations have been advanced without fear, and admitted without caution: the artful have been as ready to inveigh, as the unthinking to believe; and, from the ſubtilty of ſome, and the credulity of others, has ariſen a rage for innovation, which acknowledges nothing to be juſt but what is fanciful, and which pants to renounce the ſtable bleſſings of a ſalutary conſtitution, for the deluſive mockeries of democratical conjecture.

To refute is not always to ſatisfy; to prove is not always to convince. That the tenets which have thus operated have been frequently demonſtrated to be falſe and ſeditious, I want not to be informed. Their confutation has been repeated over and over; but, though with much ingenuity, yet with little effect. Of the writers who have condeſcended to examine them,

them, moſt have founded their reaſoning rather on theory than experience, on ſpeculation than on fact: and, accordingly, profound analyſis, which gratifies the fancy, has been ſubſtituted for direct appeals, which "come home" to the underſtanding; firſt principles, of ſubtle minuteneſs and dangerous application, have exhauſted the attention, which ſhould have been wholly devoted to exiſting circumſtances, and to practical wiſdom; and the natural rights of man have become the ſubjects of enquiry and the objects of argument, when it was more neceſſary to inveſtigate the nature of the conſtitution and government under which we live, to exhibit them in their genuine excellence to the public eye, and to vindicate them from the artful calumnies, and plauſible accuſations, of deſigning ſophiſts.

This defect in the writings of thoſe who have endeavoured to counteract the poiſon which has recently flowed from factious pens, I have been ſolicitous to remedy. I have, therefore, in the following pages, replied to doubtful theories, by eſtabliſhed facts. I have diſcuſſed the actual tendency of thoſe particulars in our civil and eccleſiaſtical eſtabliſhment, which have been moſt freely arraigned: and, by exhibiting a direct, and, I hope, a candid view of the privileges and liberties

liberties which we indiſputably enjoy, I have endeavoured to expoſe the errors, to unveil the fallacies, and to confute the miſrepreſentations of thoſe WHO, IN THE EULOGISTS OF THE RIGHTS OF MAN, CONCEAL BUT FOES TO THE TRANQUILLITY OF CITIZENS.

In undertaking this taſk, it was very obvious that I oppoſed myſelf to the current of popular politics, and adventured to ſuſtain an argument little likely to attach to my name the partiality and favour of modern reformers. But this circumſtance could not greatly affect me, ſince, *even from the cenſures of ſuch men, I have not ſenſibility enough to ſuffer much.* Cenſure is not, by any means, to be regarded with unqualified apprehenſion. Cenſure, if juſt, will bring inſtruction; if undeſerved, cannot laſt long: and, at all events, I ſhall find my comfort in the golden conſciouſneſs of good intention, and in the honeſt conviction that I have laboured only in the cauſe of truth and of my country.

OBSERVATIONS

ON THE

GOVERNMENT, &c.

My Lord,

IF we were to form an opinion of our government from the reaſoning of ſome modern theoriſts, we ſhould be tempted to conclude, that it was rapidly advancing towards deſpotiſm, and that, in many inſtances, our boaſted liberty was little more than a name. Writer after writer, imagining that zeal may ſupply the place of wiſdom, and declamation be ſubſtituted for argument, has ventured to point his cenſures at ſome of the moſt venerable inſtitutes of our civil and religious polity. The virulence of party never knows a pauſe from the toils of accuſation: miſchiefs are ſaid to exiſt where no eyes but thoſe of prejudice can diſcover a blemiſh: and imagination has been beggared to ſupply invectives againſt evils which exiſt only in the dream of fancy. Of theſe

efforts ſome have been by no means harmleſs in their effects. They have enflamed the ſanguine, ſtimulated the raſh, infected the weak: and, inſtead of bringing diſcuſſion to adjuſtment; inſtead of promoting the influence of public-ſpirit, or accelerating the advancement of national proſperity, they have tended only to infuſe bitterneſs into diſpute, to excite ſentiments irreverent of the laws, and to widen the breaches of animoſity and diſcenſion.

The knowledge of politics, your Lordſhip well knows, is not to be acquired without much toil, and patient obſervation. Politics is a ſcience which, of all others, is moſt important and extenſive. It reaches and operates wherever the name of man is known; and before we can excel in it, ſays Ariſtotle, we muſt familiarize the mind with whatever has been written by wiſe men, on the ſubject of government: we muſt conſider by what cauſes the welfare of nations is viſibly retarded or advanced; and by what means the adminiſtration of ſtates may be rendered moſt likely to reſtrain licentiouſneſs and to diffuſe felicity.

But wherefore ſhould modern genius, wherefore ſhould the excentric comet which burns and blazes as it runs, be confined within the orbit circumſcribed by the cautious wiſdom of the Stagyrite?—Moſt of thoſe who have been ſo ſagacious in diſcovering the tyranny of our government, have boldly deviated from his plan; and have ſeemed to imagine that every man might commence a politician who can form new theories, and condemn old practices. All their ſchemes

are

are founded upon what they denominate firſt principles. From metaphyſical premiſſes they deduce metaphyſical concluſions, which, even when legitimate, have no reference to the real ſtate of the world, and tend only to promote diſturbance and diſcontent. They have forgotten that abſtracted truth may be political falſhood; and that the ſublimeſt theory of government, may be dangerous in adoption and ruinous in effect: and, hence, they have deviſed hypotheſes and conſtructed ſchemes, very fit, indeed, to deceive the thoughtleſs and miſlead the raſh, but wholly alien from experience and from fact, and calculated for what, in their conception, men ought to be, but by no means for what they are.

Of thoſe whoſe labours are thus directed to propagate diſunion and diſquietude, and to poiſon the cup of national felicity, what are we to conclude? To patriotiſm, certainly, they have no reaſon to pretend. Little of that temper ſeems to animate their actions, which is moſt bleſſed when bleſſing moſt: and, though I will not aſſert, what has been often thought, that their chief object is to acquire a name or to uphold a faction, I will venture to pronounce that it is neither the welfare of individuals, nor the public good, nor the amendment of law, nor the reformation of government.

That they are patriots, we confeſs, if thoſe might be ſo termed who live but to ſquander eloquence in ſupport of innovation, or to wooe popularity as the beſt conductreſs to emolument and power. But the

patriot is a character of very different complexion. He is not fluent in abuſe. He does not ſeek to atone for bankruptcy of argument, by liberality of invective. He will not play upon the paſſions of the multitude. HE FLATTERS NOT THE POPULACE, THOUGH HE LOVES THE PUBLIC. He regards the licentiouſneſs of the people with as much jealouſy as the ambition of the crown, becauſe he wants not to be informed that tyranny may equally reſult from both: and, far from conceiving with ſo many amongſt us, that the moſt cenſorious are the moſt enlightened, and that intemperance of zeal is the beſt proof of the goodneſs of a cauſe, he condemns vehemence as dangerous, clamour as diſgraceful, and faction as baſe; he condeſcends to reflect before he ventures to decide; and, if he ever yield to the impulſe of enthuſiaſm, it is of that enthuſiaſm alone which, with reſpect to his country, indulges but the ſingle wiſh of the expiring Father Paul.——ESTO PERPETUA!

Were they to whom patriotiſm is moſt liberally aſcribed in the preſent age, men, in any degree, thus moderate and thus wiſe, we ſhould very ſpeedily be as happy as we are free. We may deſcribe our country with Sir John Davis, as the land of rivers and fountains, where plenty ſpreads her repaſt, and invites all to partake †. Health is found in our climate, and fertility

† Terra revorum aquarumque et fontium; in cujus campis et montibus erumpunt fluviorum abyſſi; terra frumenti et hordei, terra lactis et mellis, ubi abſque alla penurea comedes panem tuum et rerum abundantia perfrueris. Hiſt. Rel. p. 123.

fertility in our ſoil. Our harbours are open to the world, and capacious enough to receive it. Our arts are rapidly approximating to perfection; and the laws enable and encourage us to profit to the utmoſt by all thoſe ineſtimable advantages for which our country is indebted to the liberality of Providence.—What is there, then, to mar the general welfare, or to retard the nation in its progreſs to proſperity?——WHAT BUT THE TOILS OF TURBULENCE AND FACTIOUS CONTENTIONS FOR POPULARITY AND POWER? Let theſe ceaſe, and political felicity will be our own: we ſhall find in moderation the plant of heavenly ſeed from which the thouſand and ten thouſand hands of ſociety may pluck fruits of gold: we ſhall ſpeedily reap the bleſſings which ſpring from a national coalition of minds: And we ſhall learn to act as becomes men whom nature with her abundance encourages at home, and fortune with her treaſures ſolicits from abroad.

Thinking in this manner, my Lord, I do not now write to acquire thoſe palms which popular favor is but too ready to confer on the factious. No! I wiſh to conſecrate my humble offering not at the altar of party but of truth; and I am far leſs ambitious to obtain than earneſt to deſerve the approbation of the public. In the following ſheets, therefore, I ſhall betray little ſolicitude to flatter the temper of the times. If I can impreſs wiſe and ſalutary ſentiments in the minds of my countrymen; if I can furniſh them with an antidote to the poiſon of political miſrepreſentation; if I can guard

guard them againſt the prejudices which the admirers of revolutions are ſo forward to inculcate——I ſhall aſk no more: MY RECOMPENCE WILL BE CERTAIN, THOUGH IT BE DENIED BY THE WORLD!

All men amongſt us who adopt the opinions of the factious, are not factious. Many admit them from indolence that will not, or from ignorance that cannot reaſon: *homines vani et levas, quemadmodum vaſa inania, facillime auribu, prehenſi ducuntur*: they are the dupes of miſcellaneous virulence and political craft; and, were they acquainted with the excellence of the government under which they live, and the value of thoſe civil advantages which they enjoy, they would want nothing further to convince them of the folly of faction and the ingratitude of diſcontent; they would reject with diſdain the delirious tenets of upſtart ſtateſmen, and empirical declaimers; and they would learn to cheriſh that liberal attachment to the conſtitution and laws, in which our common country would ſoon find her beſt ſupport and her moſt ſubſtantial glory.

With the hope, then, my Lord, of promoting that attachment, I now, addreſs my fellow countrymen thro' you. —And through whom could I addreſs them with more propriety?—You they already know as the friend of commerce, and the friend of the nation: they know you as the patriot who has long directed his labours to the public good; who has proved himſelf ambitious to promote the welfare of mankind by the efforts of ſagacity and the toils of learning; who has renounced

renounced the luxurious repoſe to which wealth and ſtation invited him, for the painful but ſalutary occupations of public ſpirit; and who, by his various and uſeful inveſtigations, has diſcovered a zeal and wiſdom peculiarly laudable and enlightened, and from the operations of which his country may one day derive the moſt important advantages. If, therefore, I have taken the liberty to prefix your name to this letter, the reaſon muſt be obvious. It was not merely to do honor to myſelf. It was not ſolely to teſtify the gratitude which I feel, for the obligations which you have conferred. It was, as far as poſſible, to give currency to an attempt to vindicate our conſtitution and government from the illiberal aſperſions of artful men; to demonſtrate the futility of thoſe fallacious doctrines which have been lately propagated with ſuch ſuperabundant diligence; and to lay that raſh and reſtleſs ſpirit of innovation, which has been awakened amongſt us by the ſubtle miſrepreſentations and the active virulence of a factious party.

The great object of modern projectors has been to prove,

I. That our conſtitution and liberties are endangered by the pecuniary influence of the crown.

II. That our rights are abridged by the unjuſt and inadequate repreſentation of the people.

III. That we are oppreſſed by the burden of unneceſſary taxes, and that heedleſs prodigality prevails in the expenditure of the public money.

Let

Let us, my Lord, briefly examine theſe points. A general view of our conſtitution and government will naturally follow.

We are told, then, that the pecuniary influence of the crown is an evil of great and alarming magnitude. And why is it an evil of ſuch extent? Becauſe it is converted into the means of parliamentary dependance —Here a cauſe is ſaid to be miſchievous, merely on the ſuppoſition that its effect is evil. A premiſs is laid down which requires proof, and a concluſion drawn from it which requires proof alſo. THE WHOLE IS AN ILLUSIVE HYPOTHESIS.

I would aſk, is all parliamentary dependance an evil; or is it entirely paradoxical to aſſert that, as ſome degree of this dependance ſeems to be abſolutely eſſential to the exiſtence of kingly government, it forms an important part of the Britiſh conſtitution?——Already, it ſhould be remembered, the king has been deprived of many of his moſt valuable and ſubſtantial prerogatives. If he be ſecure from perſonal condemnation, he may yet ſuffer through his miniſters and ſervants. If the conſtitution maintain he can do no wrong, every individual employed to execute his will, is liable to impeachment †. If, in the formation of law, he enjoy the right of negative, that right is never or rarely exerciſed, and is completely checked by the power

† And leſt the ſervants of the king ſhould be able to elude reſponſibility, it has been ſolemnly decreed that "the acts of the crown acquire not any legal force, until authenticated by the ſubſcription of ſome of its great officers."

power of the legiſlature. If he can wage war, he can do it only as the commons confer ſupplies; and if he can appoint his own ſervants, he can appoint none with effect, but ſuch as merit or poſſeſs the approbation of parliament ‖. In a word, all thoſe privileges of royalty which have afforded the moſt fertile topics to declamation and invective, have little more ſolidity than the "tinges of an evening cloud." They produce no important conſequences in the adminiſtration of government: they are checked in their operations, and deprived of their influence by an over-ruling power: they contribute neither to the ſtrength, the ſupport, nor, perhaps, the dignity of the crown: and, if they were the ſole barrier which remained to defend the throne from innovation and inſult, inſult and innovation might approach it without apprehenſion of puniſhment. Feeble, therefore, and frivolous as are theſe prerogatives, the pecuniary influence enjoyed and exerciſed by the king, appears to be neceſſary to ſecure to the crown its due weight in the political ballance.——— IT IS NECESSARY. Nothing elſe is left which could enable the royal authority to maintain its legitimate rank among the other powers of the conſtitution. And, without it, the king would be often but as a ſolitary individual againſt united parties; he

‖ Nay, ſo limited is his power, in this inſtance, that his ſervants are often appointed for him. "The ſovereign, ſays Baron Monteſquieu, is here in the ſame caſe with a private perſon: He is frequently obliged to give his confidence to thoſe who have moſt offended him, and to diſgrace thoſe by whom he has been beſt ſerved. He does that from neceſſity, which other princes do from choice" Eſpr. de Loi. L. xix. c. 27.

he could neither attach gratitude by obligation, nor deſert by recompence; he would, not rarely, find it impoſſible to ſilence the voice of intemperate faction, or to counteract the efforts and artifice of ambition; and emergence and danger would frequently overtake him, before he had ſecured thoſe ſupplies and that coincidence which the adminiſtration of government indiſpenſibly requires. However, therefore, it may be termed the ſource of corruption and dependence, it muſt be regarded, nevertheleſs, as a ſalutary proviſion for the maintenance of the rights of the throne, and the preſervation of our mixed conſtitution: nor would it, perhaps, be hazardous to predict, that on the moment which witneſſes its decline, one great branch of the legiſlature will decline alſo; that a total revolution will take place in the government of the ſtate; that new and doubtful inſtitutions will be ſubſtituted for old and ſalutary eſtabliſhments; AND THAT ARISTOCRATIC AMBITION OR POPULAR LICENTIOUSNESS WILL ERECT AND UPHOLD ITS STANDARD AMID THE RUINS OF THE THRONE †.

Let us for a moment ſuppoſe the crown "ſhorn of its beams," and diveſted of all that influence which the Paines and Prieſtleys of the hour have ſo much condemned. It is by conſequence enfeebled. It poſ-

ſeſſes

† The teſtimony of Polybius on ſuch a ſubject as this, will not be deemed unimportant. And it was his decided opinion that the pecuniary influence of the Senate and Cenſors, was the great weight which preſerved, as long as it was preſerved, the ballance of the Roman conſtitution and government. Pol. L.vi. c. 15.

ſeſſes no longer the means of rewarding attachment or deſert. Perſonal intereſt and affection conſtitute its bulwark no more; and the ſpirit of democracy acquires from its weakneſs, new confidence and new ſtrength.—What, now, is to follow?—Is there no reaſon to apprehend that the lower houſe of parliament will liſten rather to ambition than to juſtice, and exert its extenſive powers ſtill further to depreſs and debilitate what has been already debilitated and depreſſed?—May not the motives of pride and the luſt of ſway, which are common as well to great bodies of men as to individuals, urge it to advance the authority of the people, by the demolition of the throne?—And is it certain that licentiouſneſs and faction, impatience of inferiority, hatred of controul, a zeal to diſpoſſeſs the great, and to ſecure the flavourous emoluments of office; is it certain I ſay, that theſe paſſions and diſpoſitions, confirmed, ſtrengthened, enflamed and ſtimulated by the ſuperinduction of private artifice and malignity, the love of popularity, the ſelfiſhneſs of a mean and paltry ambition, the reſtleſs deſire of novelty and change, will not ſo operate upon the repreſentatives of the people, as to produce a coalition, in their aſſembly, powerful enough to obſtruct the conduct of public buſineſs, to ſuſpend the entire adminiſtration of government, and to annihilate the eſtabliſhed order of the ſtate?

Theſe interrogatories may be conceived to be fanciful, and unfounded; but the anſwer to them has been already written in the blood of one of our kings. At the latter end of his reign, Charles the firſt, was without

out influence and without prerogative. The commons therefore, very ſpeedily eſtabliſhed an independance which conducted them to deſpotiſm. They arraigned the meaſures of their ſovereign: they rejected his conceſſions: they hunted him with a ſavage fury through his dominions: they led him to trial as a traitor, and conducted him to the block: and, ſoon after, having, with the audacity of uſurpers, aſſumed the whole power of legiſlation, they ſeized upon the reigns of government, ſubjugated church and ſtate, framed laws which fools only could invent or deſpots execute, gave up a great empire to the iron ſcourge of a fanatic, and eſtabliſhed that INFAMOUS AND ABANDONED TYRANNY WHICH MADE THE EVILS THEY PRETENDED TO REDRESS APPEAR AS BLESSINGS SHOWERED BY ANGELS FROM THE SKIES!

Such is the hiſtory of monarchy diveſted of influence. It ſpeaks a doctrine which no ſophiſtry can confute; and which demonſtrates that the very cauſe which has been deſcribed as ruinous to our conſtitution and liberties, is among the primary means of the preſervation of both.

The pecuniary influence of the crown, then, is neceſſary.——But in what manner has it been exerciſed? Mr. Paine tells us, to the diſgrace of the monarch and of parliament, and to the oppreſſion and ruin of the people. We, however, my Lord, are not yet, in this country, ſo far maddened by his ſpeculations, or enflamed by his malignity, as to reſign the truths we know,

know, for the falſhoods which he would impoſe. We, therefore, profeſs to be ignorant that influence has been extended to any ſuch alarming lengths. It has long operated, and we are yet free: it has been long a ſupport to the throne, and has not yet diminiſhed the rights of the people.

Experience is the beſt and moſt ſimple criterion of truth. If by this teſt we try even the ſpecious aſſertion that royal influence is miniſterial impunity, we ſhall be ſoon convinced that it is no leſs haſty than falſe. Were influence poſſeſſed of the power thus aſcribed to it, there would be few changes in adminiſtration; the ſervants of the king would continue always his ſervants, while they preſerved his favor; and there would be nothing left to check the career of the miniſter but the inclination of the monarch. This however, is by no means the caſe: adminiſtration is frequently changed: the favourite ſervants of the king are, frequently, when unpopular, deprived of their appointments; and the miniſter is frequently obliged to give way to the voice of the people. Thus, though the errors of government are not puniſhed by the rack or the axe, they are ſtill puniſhed: they are puniſhed by diſgrace and depravation; and their puniſhment ſufficiently proves that the influence of the ſovereign forms but a feeble barrier againſt the vengeance of the public.

Yes! let the nation ſpeak; let her wiſhes be aſcertained, and the utmoſt influence of royalty will be as a pigmy before a giant. The moſt proud and powerful

ful government will not be able to ſilence the thunder of the general voice. AUTHORITY WILL SHRINK INTO IMPOTENCE, AND RESISTANCE TERMINATE IN HUMILIATION.

Many are the proofs of theſe things which our hiſtory and our recollection might ſupply. Not long ſince, my Lord, was not Mr. Pitt afraid to truſt to influence, when he relinquiſhed the ſhop-tax? And not long ſince did not the "Coalition" experience the inefficacy of influence when a ſingle bill was the cauſe of its ruin? Did not an Iriſh adminiſtration experience its inefficacy when the country called aloud for freedom and for independance? And did not all England experience its inefficacy when the Commons declared that "*it had encreaſed, was encreaſing, and ought to be diminiſhed?*"—— Such is the weakneſs of that which we are told is omnipotent; and ſo ſcanty is the ſource from whence it is argued, a deluge flows which overwhelms the rights of the nation. †

But,

† The excellent Doctor Watſon has favoured us with his opinion on this ſubject, and is a warm advocate againſt the pecuniary influence of the crown. Letter to the Archbiſhop of Canterbury, p. 13 et ſeq.

The advice, ſays he, of an independant friend is more ſerviceable to an individual, than that of one who is dependant: and the ſame may be ſaid with reſpect to parliaments.

But were parliament utterly independant, they would, perhaps, ſoon relinquiſh the tone of advice for the tone of command. Their ambition, operating like a centrifugal force, might repel them from the crown: And their over-ruling power might be exerted but for the elevation of democracy at the expence of the throne.

I would

But, my Lord, it is time to turn from this terrific ſpectre of influence, to our ſecond propoſition, by which the ſtate of parliamentary repreſentation in theſe countries is ſo directly arraigned. The queſtion calls for a free and patient diſcuſſion.

It

I would aſk is the King ſtrong enough to maintain, without influence, the ballance of the conſtitution?—On the contrary, even with all his influence, the commons can at this moment controul him at will. In that aſſembly if none were attached to the crown by perſonal intereſt, all would be attached by a very natural ambition to the intereſt of their body. What would be the reſult?—TYRANNY.——Every opportunity would be embraced to promote the common authority of the order, 'till, at length, that which is now the colleague, would become the maſter of the other powers of the legiſlature.

Join, indeed, to parliamentary independance, parliamentary virtue, and it muſt be confeſſed that the royal influence ſhould be immediately diminiſhed. But the houſe of commons cannot be ſuppoſed to be immaculate. Like all other great bodies of men, it will be uniformly compoſed of characters good and bad, ambitious and moderate, artful and ſincere: and, therefore, the advice to be expected from it, if wholly independant, would not, as his Lordſhip ſeems to ſuppoſe, be always that of diſintereſted integrity, but be ſometimes upright and ſometimes miſchievous, as the virtuous or vitious part ſhould be found to preponderate.

But let the parliament be independant. In this caſe, if the pride and ambition of the body do not prevail, every member of the body will think for himſelf: no party will or can ſubſiſt: and opinion will be as diſcordant and various as the paſſions, deſigns and talents of the aſſembled individuals. Here, then, there will be a perpetual conflict. Emergency will not be met by deciſion. Facts, differently contemplated, will conduct the mind to different concluſions; and the welfare of the ſtate will be often ſacrificed to the contentions of the legiſlators.

If

It has been openly aſſerted by Doctor Price, and ſomewhat more than intimated by Doctor Prieſtley and Mr. Paine, that "*the Houſe of Commons is choſen by the treaſury and a few thouſands of the dregs of the people*," or, in other words, that it is the offspring of corruption

If it ſhould be obſerved that, under ſuch circumſtances, the weak will give way to the wiſe, and thoſe who cannot think to thoſe who do——I reply, they may poſſibly give way, but it will be to the eloquent only, who, inſtead of being always the wiſe, are often the moſt ſubtle and corrupt. Beſides, IF THEY ARE TO BE LED—BETTER IS IT THEY SHOULD BE LED BY MINISTERS WHO ARE RESPONSIBLE TO PARLIAMENT FOR THEIR CONDUCT, THAN BY ORATORS WHO ARE NOT.

But his Lordſhip further ſays, that Parliament ſhould be independant, becauſe "where no counſel is the people fall; and in the multitude of counſellors there is ſafety." Yes! my Lord, under certain circumſtances there *may* be ſafety, but under certain there IS danger. Prejudice and paſſion may act as effectually on an incorporated body, as on individuals. And even the reaſon of an aſſociated multitude of Newtons would not rarely ſlumber and ſleep.

The Biſhop adds—"In a word, if there be any meaſure more likely than another, to ſecure the moſt valuable rights of the crown, I verily believe it to be the eſtabliſhing the independency of the ſeveral members of both houſes of parliament"——Here, likewiſe, his Lordſhip, ſeems to argue upon the ſuppoſition that parliament would uniformly exerciſe independence with integrity; a ſuppoſition, by no means conſiſtent with experience. I have already remarked how an independant parliament acted when Charles the ſecond was conducted to the block. I ſhall now only further obſerve that, if I have freely uſed, in this note, the words "dependant and independant," I have uſed them merely in compliance with his Lordſhip's mode of expreſſion. I do not think that the influence of the king is the dependance of parliament, but merely a ſalutary means of rendering its independance harmleſs. Every member of it, is abſo-

corruption cohabiting with depravity. To comment on the tendency of this virulent cenſure, or on the ſpirit from which it flowed, or on the party which it was deſigned to ſerve, is not within my preſent purpoſe. I muſt obſerve, however, that the unqualified aſperity which it breathes, affords in itſelf ſufficient grounds for believing, that it at leaſt exaggerates the evil which it would condemn. It militates alſo againſt experience and againſt fact.

The right of election has NOT been veſted by the laws in "*the dregs of the people.*" It belongs eſpecially to three diſtinct claſſes of men, whom it is inſult and inſolence to unite under ſo opprobrious a denomination. Are the great land-holders of the kingdom, "*the dregs of the people?*" Are freeholders who poſſeſs under them a certain and permanent property, "*the dregs of the people?*" Are mechanics and tradeſmen, who, after a long probation, receive the freedom of corporate bodies, and who, in many inſtances are men of opulence and worth, "*the dregs of the people?*" And yet theſe are they whoſe choice conſtitutes our houſe of commons, and on whom this illiberal appellation has been conferred, in the zeal of pulpit declamation, and conferred too with a confidence which,

 deſpiſing

lutely free; and, though he may wiſh to ſecure royal favor by his vote, it does not follow that, therefore, he votes wrong. Nor are miniſterial majorities ſolely to be attributed to royal influence. They are compoſed of men who, in ſeveral inſtances, are ſuperior to controul, men who give their ſuffrage from conviction only, and who have often weight enough to turn the ſcale of parliamentary party when they pleaſe.

deſpiſing the ſupport of argument, reſts only on the feebleneſs of aſſertion †!—But ſuch conduct and ſuch zeal have not added much dignity to the name of Doctor Price. They are neither moderate nor wiſe. They were calculated to diſſeminate an error which, if credited, might iſſue into many and miſchievous effects; and they atteſt leſs the prudent caution of the good citizen, who will never arraign the forms of the conſtitution, except when juſtice and utility guide his pen, than the hazardous temerity of the innovating politician who haſtens to his object with an enthuſiaſm unſanctified by truth, and a vehemence contemptuous of conſequences.

They who ſpeak and act in this manner ſeem ſtrangely enamoured of inconſiſtency and contradiction. Their pamphlets, on the ſubject of repreſentation, are but blended maſſes of ſophiſtical incongruities; and their words and conduct are in direct hoſtility with each other. They affect to be the friends of the populace, yet they ſpeak of the populace with deriſion and contempt: they have long laboured to obtain an extenſion of the rights of ſuffrage, yet they attribute meanneſs and worthleſsneſs to the majority of thoſe who already poſſeſs it: they act as if they wiſhed to communicate to ſtill more of the lower claſſes of the people the privilege of election, yet they deſcribe thoſe who are, at preſent, permitted to exerciſe it, as the corrupt ſediment of ſociety, as the vile and cheap refuſe of the nation, as the filthy "*dregs*" of the caſk, without value and without uſe.

So

† See Doctor Price's Revolution Sermon.

So far, then, we have little reaſon to applaud their aſſertions. Let us, now, try, whether an enquiry into the actual ſtate of repreſentation amongſt us, can entitle them to a greater degree of praiſe.

That every individual of the nation is not immediately repreſented in parliament, muſt be confeſſed. But, if this be a defect, it is ſuch as the wiſeſt legiſlators of the moſt enlightened ſtates, have found it impoſſible to remedy. Univerſality of repreſentation has never yet been, and never can be accompliſhed. It is a theory which even the Jacobin philoſophers of France have not ſo much as attempted to realize in their boaſted conſtitution: and, if none be free but thoſe who are repreſented, the majority of the people they govern are ſlaves, ſlaves blinded and deceived, acquieſcent in the deſpotiſm by which they are cruſhed, and crawling in the duſt to lick the hands which have inſidiouſly purloined their rights †.

We are triumplantly told, however, that individual repreſentation is eſſential to liberty, and, therefore,

 that

† I have ſaid "the majority of the people"; for all thoſe who are in ſervitude, and who pay no taxes, have been deprived of the right of ſuffrage: And even thoſe whom their new maſters have honoured with the name of "citizen," inſtead of being allowed to appoint their own repreſentatives, are permitted only to chooſe a number of "Electors", whoſe vote conſtitutes, in its turn, the "national aſſembly". By this extraordinary contrivance, the French legiſlators have aſſumed to themſelves the power of declaring who ſhall be citizens and who ſhall be ſlaves; and they have robbed multitudes of that privilege which they inſultingly declare is eſſential to liberty.

that we, who enjoy no ſuch repreſentation, are not free. But this ſeems to be a groſs miſtake founded on a very imperfect theory. THERE MAY BE FREEDOM WITHOUT REPRESENTATION, AND THERE MAY BE DESPOTISM WITH IT. It is in itſelf nothing. It is ſalutary only as it tends to the accompliſhment and preſervation of good laws: and theſe, once inviolably

Even upon this ground, therefore, the aſſertion I have made is fully tenable. But yet more than I have aſſerted, have been deprived of ſuffrage, by the "*conſtitutional act*" of the aſſembly. All thoſe who have not

"*Attained the age of twenty-five years compleat*"—

"*Reſided in the city or canton at leaſt one year*"—

"*Taken the civic oath*"—

"*Been inſcribed in the liſt of national guards*"—

"*Paid a direct contribution equal to three days labour*"—

"*Obtained, in caſe of bankruptcy, a general diſcharge from all their creditors*"—

are, with many others, eſpecially the unfortunate who happen to be "*in a ſtate of accuſation*," and thoſe I have before mentioned, entirely disfranchiſed, or, according to the ſentiments of our late declaimers, conſigned to ſlavery and contempt. A man, therefore, in France, cannot be free, if he have not already ſpent the beſt part of his life; if he change his reſidence frequently; if he refuſe to take an oath which it might be perjury to take; if he ſhould not unite with the national guards; if he have not been able to diſcharge a certain tax; if his creditors be mercileſs and unjuſt, and if he ſhould not have found means to repel the artful accuſations of his enemies. Such is the boaſted regeneration of freedom in France!

bly ſecured to a nation, are equally valuable whether they iſſued from a tyrant or a parliament; whether they were the decrees of a legiſlature which was elected by the whole or by a part of the people, or were the edicts of a power utterly independant of the public voice †.

If they only can be termed free, who are actually repreſented, then there never has been and never can be a free people. UNIVERSALITY OF REPRESENTATION IS, I repeat it, AN IDLE VISION. It is a ſcheme, not to be realized, though every individual were endowed with the rights of ſuffrage. While men have different paſſions and different

† It is remarkable that the freedom of the moſt celebrated ſtates of antiquity was not founded upon laws enacted by the aſſembled ſubſtitutes of the multitude, but on laws which were the work of individuals who neither conſulted nor were bound to conſult the public voice. I muſt further obſerve that the people of Sparta regarded themſelves as free, though their plan of repreſentation was ſingularly imperfect: and the Romans, when they had no repreſentation, or next to none, that is, for ſome time after the expulſion of Tarquin, were, perhaps. as free as they ever afterwards became. It is true, indeed, they ſoon required an extenſion of their liberties; and they extorted, by ſeceſſion, the privilege of appointing certain Tribunes as their ſubſtitutes in the legiſlative aſſembly. But what benefit did they derive from it?—A tumultuous liberty which ſpeedily degenerated into licentiouſneſs, which ultimately terminated in deſpotiſm.

different ſentiments, they will never ceaſe to diſagree in their choice of delegates: and of the whole body of the voters there muſt always be a diſappointed minority, who will not only have no perſonal repreſentatives, but be governed by the repreſentatives of others in direct oppoſition to their will. The ſpeculators, therefore, who dream of individuality of repreſentation, are faſcinated alone by an ideal perfection. They embrace a beauteous ſhadow. They purſue the bow in the clouds, which tempts but to deceive them, and appears near to the ſight, but to prove eluſive to the graſp.

We may, now, I think, be allowed to aſſert, that, if we do not enjoy univerſality of repreſentation, we are only deprived of that which is not eſſential to liberty, or which, if it were, could not be conferred. But, though our laws withold the honors of franchiſe from certain individuals, every diſtrict of the nation appoints its delegates, and every delegate poſſeſſes the power not only of communicating the wiſhes of his conſtituents to the legiſlative aſſembly, but of propoſing whatever regulations the welfare of the ſtate requires to be enacted into law. Hence each repreſentative becomes an agent for a part, and a legiſlator for the whole. Each department has its ſelf-nominated ſubſtitutes, who, when united in parliament, may be likewiſe ſaid to be the ſubſtitutes of the ſtate: and the houſe of commons may be regarded as the general emporium where each delegate depoſits his authority and his wiſdom, for the advancement alike of public proſperity and private happineſs.

Nay

Nay, it is not diſtricts only which are thus privileged. There is ſcarcely a ſingle order of men in ſociety which is not virtually repreſented by perſons ſufficiently acquainted with its occupations and its wants. The right of delegation is annexed to ſo many different qualifications in different places, that every rank and profeſſion enjoys a repreſentative in the commons: and, therefore, the intereſts of the ſtation as well of thoſe who have not a vote as of thoſe who have, can never want, in that aſſembly, a guardian and a friend.

It is popular, I know, to aſſert the influence of miniſterial money upon the ſuffrages of the people. Let, then, the number of voters be increaſed, till the treaſures of the Exchequer can be no longer ſuppoſed adequate to the fancied purchaſe—Will this render the national council more pure or free?—I imagine not. The ambitious and the affluent will continue to perſuade by the eloquence of gold; and, where there are many to elect, there will be many alſo to be ſold.

Either, my Lord, the legiſlature has a right to define the qualification of electors, or it has not. If it have, then is the definition valid which it has already ſanctioned. If it have not, then ſhould the privilege of election be in the poſſeſſion of all; for by nothing can exception be made, if the legiſlature cannot except.

Of

Of this dilemma the pupils of Doctor Price muſt adopt one member or the other. But, do they adopt the firſt? They diſcountenance their own clamours againſt the preſent law of repreſentation. Do they adopt the ſecond? They ruſh into abſurdity: they maintain the propriety of univerſal ſuffrage; they maintain that women as well as men; the baſe as well as the noble; thoſe who have nothing at ſtake as well as thoſe who have much; the corrupt and the upright, the vagrant and the ſtationary; the ſelfiſh who would not expend a wiſh for the common welfare, and the patriotic who would bleed and die in its ſupport, are all equally entitled to franchiſe, and ſhould all elect and be repreſented alike!

Of thoſe, if there be any ſuch, who can ſee no important theoretical vice even in this doctrine, I aſk, what would it become in practice?—The parent of confuſion, licentiouſneſs, diſturbance, and venality—Were all to vote, the majority of the voters would be conſtituted of the menial, the ignorant and the low; of thoſe who would be moſt likely to judge ill, if they judged from themſelves, or to determine as they ſhould be deſired, if they were offered a bribe. Of ſuch electors the choice would be diſtinguiſhed neither by integrity nor by wiſdom. If their voice were not purchaſed, their nomination would probably prove haſty and raſh: if it were purchaſed, their nomination would be found degenerate and depraved. THEY COULD NOT POSSIBLY ELECT A PARLIAMENT, WHICH WOULD NOT BE THE CHILD OF CORRUPTION, OR THE CHILD OF FOLLY.

In forming their theories of extended repreſentation, Doctor Price and his party ſeem to have overlooked not only theſe concluſions, but the ſalutary admonitions of hiſtory. They have ſteered their political bark from doubt to conjecture, and from aſſumption to inference, with an utter inattention to the polar lights of experience and of fact, and with an eye fixed only on the deluſive meteors of the abſtracted and natural rights of man. They have adventured on the ocean of paradox, with no other pilot than enthuſiaſm and temerity. They have argued as if individual freedom and univerſal ſuffrage were twin-born, coordinate and inſeperable, and ordained but to live and expire together. They have contended for the multitude, without adverting to the paſſions and frailties by which that multitude is generally led: and they have toiled for an extenſion of the right of franchiſe, without reflecting for a moment on the manner in which, if extended as they wiſh, that right would probably operate. Had they, however, condeſcended to regulate ſpeculation by the wiſdom of the paſt, they would, perhaps, have acted and have thought in a very different ſtyle: they would have ſeen the danger and the miſchief of a voting populace: they would have been inſtructed that they who are not repreſented may yet be free; and they would not have ſolicited a privilege for the multitude in theſe countries, which became ſo often in its exerciſe, the diſgrace of Athens, and the bane and ſcandal of Rome. *

May

* In theſe two cities the populace were allowed to vote, on the moſt

May I here, my Lord, riſque an idea? To INCREASE THE NUMBER OF VOTERS WOULD NOT PREVENT CORRUPTION AND INFLUENCE: TO REDUCE IT MIGHT. At preſent, perhaps, if we regard only the operation of venality, the electors are too many, and the elected too few. Were the latter more numerous, a parliamentary majority would be more difficult of attainment, becauſe there would be more required to conſtitute a majority: were the former leſs numerous, they would become proportionably leſs liable to corruption, becauſe they would be leſs vitiated by the intermixture of the low and the baſe.

But, after all, who are they who are ſaid to be elected into the Commons "*by the treaſury and a few thouſands of the dregs of the people?*" — Not thoſe, ſurely, whom we ſhould expect to be choſen by influence and venality. On the contrary, they are characters who have the greateſt intereſt in maintaining the general and individual liberties. They are men of

moſt important occaſions. But in both, this power became a ſource of perpetual evil. "*Nihil immotum, nihil tranquillum, nihil quietum denique in eodem ſtatu relinquebat.*" *Vel. Pat.* 2. 6. At Athens it was frequently employed to legalize injuſtice, licentiouſneſs, confiſcation and murder. At Rome, down to the age of the Gracchi, it was the ſervile miniſter of the ambition of the tribunes; as it, afterwards, became the baſe and venal tool of aſpiring opulence. "*Itaque homines ſeditioſi ac turbulenti— conductas habent conciones. Neque id agunt, ut ea dicant et ferant quæ illi velint audiri qui in conſcione ſunt; ſed pretio ac mercede perficiunt, ut, quicquid dicant, id illi velle audire videantur.*" *Cicero pro Sext.*

of extenſive property: they are the principal land-holders of the kingdom: they are the heads of the navy, the army, or the law: they are the occupiers of the firſt and moſt important offices of the ſtate: they are merchants intimately converſant with the nature and value of trade: they are individuals the moſt eminent and ſucceſsful in their reſpective profeſſions; the moſt remarkable for their acquaintance with the inſtitutes of the conſtitution; and the moſt unlikely, from the variety of their diſpoſitions and intereſts, to become ſubject in their deciſions to depravity and corruption.— If to ſuch perſons a people cannot, without danger, confide the guardianſhip of their rights, in whom can they ſafely truſt? If an aſſembly ſo formed be not ſecure from dictation, and above the reach of purchaſe, what aſſembly ſhall we find not ſlaviſh or not venal? If a number of men thus powerful from property, and thus reſpectable from knowledge, be liable to failure in the great buſineſs of legiſlation, where ſhall we look for men more likely to act with wiſdom and integrity, and better calculated to fulfil the high duties of pilots of the ſtate? If, in fine, the ability and virtue concentrated by the preſent ſcheme of election, fail to operate the public good, what plan can the moſt abſtracted ſpeculation deviſe, which ſhall promiſe to confederate for the common happineſs, either more ſplendid talents or more diſtingniſhed worth? — No! Britiſh repreſentation, which has lately ſuſtained ſo much invective, is not to be new-modelled without much difficulty and much danger. That it has faults it would be hardy to deny;

for

for what is perfect? But, with all its errors, it is the "multum noſtræ quod proderat urbi." It has given to us a government eminently favorable to the freedom of the ſubject. It has given to us laws of rare and exalted wiſdom. It has given to us a conſtitution which is the wonder of the world. In decrying its defects, the garrulous eloquence of recent reformers has been exerciſed and exhauſted; but no mode of cure has hitherto been diſcovered. Even the wiſe and the inventive have toiled in vain to remedy the errors which have been attributed to it; and every attempt to render it more equal and leſs liable to abuſe, has finally terminated in abortion, and been followed by confeſſions of ignorance and inability.—Let us hear, then, no more, of "*parliaments choſen by the treaſury, aud a few thouſands of the dregs of the people.*"

But, my Lord, it is further maintained that, though on theſe points, the liberty of the ſubject be not ſo much endangered as fanciful theoriſts aſſert, the people are oppreſſed by the weight of extraordinary taxes, and the public money is expended with heedleſſneſs and with prodigality. If this be fact, the charge is of a very ſerious nature. It proves little leſs than that we are pillaged by the legiſlature to gratify the profligacy of adminiſtration. What are the means, then, adopted by the conſtitution to prevent the impoſition of unneceſſary taxes, and to enforce œconomy in the expenditure of the public money?

I muſt here primarily obſerve that the freedom of a ſtate

a ſtate is, by no means, to be eſtimated by the number of its taxes. Taxes are generally light in proportion to the ſlavery of a people, and weighty in proportion to their liberty. Under deſpotic inſtitutions, few pecuniary burdens are impoſed, becauſe the ſubject, from the contracted range of his induſtry, is too poor to be able to ſuſtain many, and becauſe he receives nothing but oppreſſion in return for what he gives. A different maxim, however, prevails in free ſtates. There the people know that what they individually confer is but lent to the nation. They are induſtrious; from being encouraged to be ſo; they are opulent from being induſtrious; they have ability to diſcharge greater taxes from being opulent; and they exerciſe that ability with cheerfulneſs, from the conviction that what they contribute to the maintenance of government will be repaid by its protection. If England, therefore, be highly taxed, this circumſtance is rather a ſymptom of liberty than a proof of oppreſſion.

But, without dwelling on this conſideration, it is to be obſerved that, to provide for the exigencies of government; to maintain the regular adminiſtration of juſtice; to ſecure public order and private tranquility; to protect commerce, and to eſtabliſh a defence againſt foreign and domeſtic hoſtility, every ſtate muſt, in a certain degree, ſubmit to taxation: and this taxation will be more or leſs weighty according to the wealth of a country, to the extent of its traffic, the magnitude of its territory, and the power and temper of its neighbours. England, therefore, miſtreſs as ſhe is of a conſiderable empire, poſſeſſed of a great

great and productive trade, and encircled by neighbours who envy her proſperity, and would diminiſh her commerce in order to extend their own, has neceſſarily conſented to be taxed, and to be taxed in a manner peculiarly bold and free.

Moreover, the propriety and juſtice of every tax will principally depend on thoſe who impoſe it; and "*in every government, from which the people are excluded, it is the intereſt of the governors to get as much, and of the governed to give as little as they can.*" * Here, therefore, the power of taxation has been wiſely taken from the King, and committed to the ſubject. Every law deſigned to raiſe ſupplies upon the property of the people, muſt originate in the houſe of commons alone. The ſtate is, accordingly, taxed but by itſelf, through its repreſentatives. They who ſuſtain the burden, are they who virtually impoſe it: and it is not likely that they will grant ſubſidies which they themſelves are to pay, with a liberality which is either incautious or profuſe.

Of all taxes that part which is to be defrayed by individuals, will bear an exact proportion to the manner in which thoſe individuals live, and the property which they have to expend. The poor, therefore, will have, comparatively, little to pay, and the wealthy much. To theſe laſt, by conſequence, the power of taxation will be moſt ſafely conſigned.

It is not enough, however, that this important power ſhould be committed to men who will be likely to prove

* Paley Moral & Political Philoſophy.

prove moſt œconomic in the uſe of it. It ſhould be alotted to thoſe, alſo, whoſe intereſt is eſſentially involved in that of the ſtate; and, who will, probably, act under the recollection that to grant too little may be frequently found more pernicious than to grant too much; may ſuſpend operation when it ſhould be moſt anxiouſly ſuſtained; arreſt victory in the midſt of her career, and leave hoſtility to riot without controul.

Happily, therefore, in theſe particulars, likewiſe, the lower houſe of parliament is conſtructed wiſely. It is compoſed of the powerful and the wealthy; of thoſe on whom the weight of taxes principally falls; who are moſt concerned in the proſperity of the ſtate, as they have moſt to loſe by its decline; and who, therefore, to conſult their own welfare, muſt exactly ſteer, in their public capacity, between the parſimony which is mean, and the prodigality which is dangerous; between the ſordid avarice which would give nothing, and the heedleſs folly which would laviſh all.

Such are the proviſions which have been made in theſe countries for the prevention of abuſe in the article of taxation. Equal care has been taken to frugalize the expenditure of the public money.

Prior to the revolution, the whole revenue of the ſtate, was, in a great degree, in the power of the crown. The crown, therefore, laviſhed, when it ought to have œconomized.

But this privilege is no longer poſſeſſed by the monarch. A ſeperate income has been appropriated to the

the maintenance of the civil liſt, and the reſidue of the national treaſure remains wholly in the diſpoſal of thoſe who are leaſt likely to abuſe authority —— the parliament.

Were the taxes, however, perpetual, there would be the greateſt danger of prodigality in their application. Many of them, accordingly, have been made annual. The product of others is appropriated to ſpecific purpoſes: and an account of the expenditure of them all is, at ſtated periods, ſubmitted to the inſpection of the commons.

Beſides; if the national income be embezzeled by private peculation, the diſcovery of the guilt is followed by its puniſhment. The officers of adminiſtration, thro' whoſe hands the whole of that income muſt paſs, are ſo much in the power of the legiſlature, that no authority whatever can aſſure them of impunity, if it appear that they have betrayed their truſt, and pilfered from the ſtate. They alone are placed beyond the reach of the royal pardon.* Their reſponſibility ſubjects them to impeachment; and either impeachment drags them and their crime into open day, or, before the inveſtigation can take place, they are puniſhed by the diſgrace of depravation, and caſt like delinquents

* According to the act of ſettlement, the king's pardon is not pleadable in bar of an impeachment.

delinquents from the honors of office *. Thus it is, that the wiſdom of the legiſlature has endeavoured to reſtrain taxation within proper bounds.— The impoſition of taxes is conſigned to thoſe who are moſt likely to uſe that privilege with moderation.—The objects to which the revenue of the ſtate is to be applied, are ſpecified by parliament.— The ſervants of the crown are reſponſible for all official diſburſements.— An annual account of the product of the taxes, and of its appropriation, is laid before the repreſentatives of the people. —And the miniſter chargeable with peculation, is ſubject to the immediate inquiſition of the commons, to impeachment, deprivation and diſgrace——What more can political prudence require? Or, if ſuch regulations prove inoperative and weak, where ſhall we look for contrivance which ſhall be wholeſome in influence, and ſalutary in effect?

* I have ſpoken of official reſponſibility in a preceding page; and to what I there advanced I now refer. That the legiſlature has, in every particular, a right to enquire into the manner in which its laws are executed, cannot be denied. But, as this enquiry can have no reference to the monarch, his miniſters and adviſers have been made anſwerable for the meaſures of the executive power; an advantage which was unknown even in Crete and Sparta, where the Coſmi and the Ephori were accountable for their adminiſtration to none. Dionys. Halicra. L IX. But, after all, ſays Mr. Paine, there is no reſponſibility. Hear, then, a man, of greater ability and of the ſame party. "The King," — inſiſts the author of Leſſons to a Young Prince, P. 13 Dub. Ed.—"may give an individual the lead in his counſels, but (ſhould he be unfit for the appointment) not all the throne would ſupport him in the ſituation." If, now, a monarch be unable to mantain in his ſervice a weak and ignorant ſervant, he cannot, by any means, defend one who has been guilty of public crimes; and if he cannot defend one who has been thus guilty, reſponſibility is compleat.

Having thus, my Lord, viewed thoſe parts in the fabric of the conſtitution which have been moſt freely and frequently arraigned, let us, now, take a general view of the whole ſtructure. If we have had reaſon to conclude that on the ſubjects of the pecuniary influence of the crown, of national repreſentation, of the impoſition of taxes, and of the expenditure of the public treaſure, the popular writers of the hour have indulged a ſpirit of invective not very conſonant to juſtice and to truth;——the proſpect which is here propoſed will yet more effectually convince us that, however clamorous has been their eloquence, and malignant their repreſentation, the averſion they inculcate to our political inſtitutes is without cauſe, and the civil deſpondency they affect to feel has no foundation in reaſon.

Seldom of late has the Britiſh government been reviewed, but to be compared, in a very invidious manner, with that recently introduced into France. But in what reſpects can they be juſtly compared? They have nothing in common. They are wholly diſcordant and contradictory. They were formed for a different climate, different manners, different modes and a different people: and, though both were perfect, as they apply, at preſent, yet, change the ſcene of their action, and you would, probably, render each a nuiſance; you would diſcover that civil excellence is at beſt, but topical; and that,— WHAT DIFFUSED HEALTH AND LIFE THROUGH ONE NATION, MIGHT SCATTER PESTILENCE AND DEATH THROUGH ANOTHER.

I have ſaid the two governments are contradictory, and they are ſo. The Engliſh government appears to me to be a real good, confirmed by experience; the French

French an ideal good, ſupported by theory —— The one is recommended by its age; the other by its novelty— The one is order, the other, hitherto, has been confuſion— This may have ſome vices; that ſeems to have few virtues— This is a compacted ſcheme which ſecures the liberty of all; that is an unſettled eſtabliſhment which maintains the deſpotiſm of many— In a word, I regard the firſt as a mighty pile conſecrated to liberty, which time has touched in his flight only to render it more venerable; and I regard the laſt as a haſty building dedicated to innovation, and which a ſingle ſtorm may ſhake into ruins.

I ſhall, therefore, in the ſubſequent detail advert very rarely to French politics. They would afford, indeed, ample ſcope for diſcuſſion, and they might enable me to heighten the view I have now to open, by the power of contraſt; but, I conceive, they would detach attention too much from the immediate object of my enquiry, and the inveſtigation which they tended to diverſify, they would tend alſo, to perplex.

It has been, in many inſtances, the practice of ſome recent inſtructors of the public, to unite politics and paradox, and to hazard aſſertion in proportion as they were deficient in proof. Mr. Paine, however, has excelled his cotemporaries in theſe particulars. He has made diſcoveries which have eluded the reſearch of our moſt penetrating enquirers: and, fortified like the porcupine at every point, and prepared to elance his invective on every occaſion, he has, with the confidence of the old philoſopher when the ſtreets of Syracuſe

racuſe reechoed with his ευρηκα, not meerly attributed depravity to the Engliſh government, but maintained the nullity of the Engliſh conſtitution.

To dwell, here, on the ſingular arguments by which he endeavours to ſupport this ſingular opinion, would be to trifle with your Lordſhip's patience. I ſhall only obſerve that, in diſcuſſing this ſubject, his political ſcience appears in its true form. It feeds on inquietude: it would have every thing as unſettled as itſelf; ſooner than be deprived of the delight of change, it ruſhes upon innovation fraught with miſchief and miſery: ITS THRONE IS TEMPEST! ITS STATE CONVULSION! BUT REDUCE IT TO THE GOVERNMENT OF REASON, AND IT LANGUISHES AND EXPIRES.

What is a conſtitution? Is it a regular and well organized government? Is it a ſyſtem of public adminiſtration ſalutary to a nation? Is it a code of laws which provides for the general and individual welfare? Is it a ratification of liberty to all and each? Is it a plan of civil regulation, not alterable by the magiſtrate at pleaſure, but calculated to maintain the rights of the loweſt, even in defiance of the power of the higheſt? —— Then do we boaſt a conſtitution not which poſſeſſes ſome of theſe advantages, but which unites them all. "*We boaſt a conſtitution which defines the principles on which government ſhall act, and by which it ſhall be bound;*" which, "*particularizes the power to be exerciſed by the executive and legiſlative authority of the nation;*" which operates for the benefit of the ſtate

by

by fixed and known rules; which "*is ſpecified in a regular body of elements,*" the laws *; and which, though it may not have ariſen from the multitude, regenerated into licentiouſneſs, and liberated into anarchy, yet has a perpetual and wholeſome reference to the multitude in all its decrees and in all its operations.

Permit me, now, my Lord, to ſhew in detail why I think ſo.

The King, Lords, and Commons, though they appear to Mr. Paine as little more than the pageants of a viſion, the fugitive wonders of a dream, † we know to be real and ſubſtantial beings, active in their agency and ſalutary in their influence. Under the adminiſtration of theſe powers, we enjoy at once all the advantages of a monarchy and a republic, without being ſubject to the diſadvantages peculiar to either. We are alike ſecured from the deſpotic ſpirit of kingly authority, the domineering pride of ariſtocratic independance, and the licentious turbulence of democratical tyranny. Our government, inſtead of being the weight which preſſes the ſhoulders of a ſingle Atlas, is ſupported but by the united ſtrength of hereditary royalty, of a nobility without vaſſals, and of a people voting by their repreſentatives. Between theſe different forces, a perfect equipoiſe is conſtantly maintained; each is intereſted in watching the deſigns

* See Mr. Paine's definition of a Conſtitution. P. 27.

† "A good Conſtitution would be infinitely more valuable than what the three NOMINAL powers as they now ſtand, are worth." Rights of Man. p. 62.

deſigns and in checking the ambition of the other two; their individual ſtrength operates at once as a common ſupport and a common reſtraint *; and we may venture to add to the prediction of Monteſquieu, that the public liberty can never be deſtroyed, until the majority of the three ſhall unnaturally conſent to confer on one of them that authority which now belongs to them all.

Here, then, the conduct of adminiſtration, the formation of law, and the maintenance of the ſtate, are the affairs of multitudes. The whole is free, but every part is dependant on the whole. No individual, no claſs or conſpiration of individuals can deſtroy the order, method, or conſiſtency of government. The public welfare is advanced by the aggregated wiſdom of the nation, but cannot readily be impaired by any private depravity or ambition; and we muſt, as far as probability can authorize concluſion, continue proſperous and happy as a nation, as long we ſhall refuſe to unite with each other againſt ourſelves, againſt our common welfare, intereſt, and felicity.

It is true, indeed, faction frequently promotes diſunion amongſt us, and menaces the ſtate with revolutions. But this only ſerves to prove the ſuperior excellence of our form of government. In democracies

* There can no inconvenience be attempted by either of the three branches of the Legiſlature, but will be withſtood by one of the other two; each being armed with a negative power ſufficient to repel any innovation which it ſhall think inexpedient or dangerous. Blackſtone. v. I. § 2 Int.

cies the people, once agitated by their orators, are a levanter which, with reſiſtleſs fury, ſweeps every thing before it. In oligarchies commotion is a flame which is rarely to be extinguiſhed but by the mingled blood of the rulers and the ruled. In deſpotic ſtates, inſurrection is a dæmon which ſcatters miſery wherever it goes, and ſeeks rather to prey upon the tyrant than to deſtroy the tyranny. Whereas, here, the violence of party produces little more than clamour and abuſe. It cannot affect the conſtitution and the laws. It may reach to meaſures and to men, but not to the eſtabliſhed forms of the ſtate. It is the weight which confirms and ſtrengthens the noble arch on which it preſſes. IT IS THE MOMENTARY STORM, WHICH GIVES MOTION TO OUR POLITICAL ATMOSPHERE; AND, BY PREVENTING STAGNATION, AVERTS DISEASE AND DEATH.

In other nations, revolutions have ſeldom failed to ſubvert old, and to eſtabliſh new ſchemes of polity and law. Here they have never done ſo. They have humbled monarchs; they have degraded miniſters, but they have neither affected the ſpirit of the conſtitution, nor the order of government; and the ſyſtem which they threatened to overturn, they have ſerved only to confirm—Why?—Becauſe that ſyſtem involves in it, not the welfare of one but of all. It tends to its own preſervation, by tending to promote the general happineſs.

We have frequently heard the remark that public ſpirit is the leading characteriſtic of popular eſtabliſh-

ments

ments; that ariſtocracies are principally diſtinguiſhed by prudence and by wiſdom; and that ſtrength and power belong eſpecially to monarchies. But to unite for the public benefit, that ſtrength, wiſdom and virtue, is the glory of the government under which we live. As the executive authority is lodged with a ſingle perſon, it can be put into action with all the advantages of energy and diſpatch known to the moſt abſolute regal domination: and as the power of legiſlation is intruſted to the three diſtinct orders, the commons the nobles, and the king, it admits the exerciſe of the patriotiſm of the firſt, the judgment of the ſecond, and the vigor of the third. Change this ſcheme as you may, and you produce dicordance and confuſion. Confer the ſupreme authority on any one order, and, by making that order abſolute, you ſacrifice two of the three ingredients of good policy, wiſdom, power, or public ſpirit. Give it, on the other hand, to the crown and the houſe of Lords, and you form a coalition which may, indeed, be active in the execution of law, but will, probably, be inattentive to the good of the people. Take it from theſe, and veſt it in the king and commons, and you renounce that mediating prudence, and that reſtraining caution which are to be derived from the deliberative wiſdom of the peers. Or conſign it to the two houſes of parliament only, and you at once aboliſh the kingly authority, and thus enfeeble the ſtrength and clog the agency of the executive power. Nothing, therefore, has the conconſtitution of theſe countries ſo much to dread as innovation.

innovation. In any of its branches change muſt be followed by deformity or ſubverſion: and it ſeems to have realized a ſcheme of polity which the wiſdom of Tully conceived but to extol *; and which even the profound ſagacity of Tacitus regarded as a theory rather beautiful in deſign, than poſſible in practice †.

It is further to be obſerved, that the three powers of the ſtate are neither wholly united, nor abſolutely disjoined. Were their intereſt entirely the ſame, they might eaſily overthrow the common liberty; and, were it entirely different, they might waſte the time they owed to the public, in contention and diſpute. They have been, therefore, formed to act with a kind of harmonious diſcord ‡. They mutually repel and attract. They alike "ſupport and are ſupported, regulate, and are regulated, by each other: and, like ſo many forces in mechanics, they jointly impel the machine of government, in a direction different from what either, acting by itſelf, would have done; but, at the ſame time partaking of each, and formed out of all; a direction which conſtitutes the

* Eſſe optimé conſtitutam rempublicam quæ ex tribus generibus illis, regali, optimo, et populari, ſit modicé confuſa. Cicero. Frag. de Repub. L. ii.

† Cunctas nationes et urbes, populus aut primores aut ſinguli regunt. Delecta ex his et conſtituta reipublicæ forma, laudari facilius quam evenire, vel, ſi evenit, haud diuturna eſſe poteſt. Tac. Ann. L. iv.

‡ Concordia diſcors. Ovid.

the true line of the liberty and happineſs of the community."

To theſe powers, as I have already remarked, the whole authority of the nation is conſigned. But in what degree it is conſigned to each, and why it has been ſo conſigned, are queſtions which merit a moment's notice.

In the formation of law, the houſe of Lords and Commons can at once reject, propoſe, and reſolve; but the King can reject only. By this regulation, they are individually reſtrained within their proper limits, and the ſalutary dependance is preſerved of each on all. Were not the King, Lords, and Commons equally privileged to reject, there would then be no mutuality of reſtraint, and the poiſe of the conſtitution would be immediately deſtroyed: or were any one of them poſſeſſed of the ſole legiſlative authority, that one might, then, decree to itſelf the rights and prerogatives of the reſt, and thus become ſupreme and abſolute. The line, therefore, has been drawn with wiſdom. In the act of legiſlation, the King is permitted to reject only, becauſe, as an individual, he required nothing but the means of maintaining the dignity of the crown: whereas the right of affirming is enjoyed by the Lords and Commons, becauſe that right could not be conferred on either, without the hazard of deſpotiſm: and the privilege of negative has been alotted equally to the Commons, the Lords, and the King, becauſe, otherwiſe, they would ſpeedily find it impoſſible to maintain their diſtinctive privileges, and the power which could

could not reject, muſt at once decline beneath that which could.

But the executive authority is not portioned out in this manner.

Much have we heard on the ſubject of kings, from the tranſatlantic inſtructor of nations; who, regarding monarchy as the diſgrace of politics, as an eſtabliſhment corrupt in its nature and pernicious in its influence, as the "hell upon earth *," from which it ſhould be the conſtant effort of every political Hercules to bring back mankind, has uſed all the means ſuggeſted by ſcorn, ſophiſtry, ridicule, and deluſion, to render it odious and contemptible in the eyes of the world, and to ſtimulate the people every where to reject it for the *quietneſs* and *regularity* of democratical adminiſtration. But, beſides that his doctrines have not been ſupported, ſave by intemperance and zeal, and that, of republican inſtitutions, we have, hitherto, had no great reaſon to conclude, that they are ſo very remarkable for their tranquillity and order, as our political apoſtles would repreſent them; we are attached to monarchic forms for reaſons which we humbly conceive to be of ſome weight, and which induce us to think that government is better terminated by individual unity, than by the rough and irregular platform of a commonwealth †.

* Mr. Paine's Letter to Abbé Sieyes.

† Abbé Sieyes Anſwer to Mr. Paine.

It is better ſo terminated, for where, if not in the hands of a limited monarchy, can the executive power of a nation be veſted with prudence?

There are particular periods when the fate of kingdoms depends more on promptitude of exertion, than preeminence of ſtrength. That which imbecility might acquire to-day, may prove beyond the reach of power, if not purſued until to-morrow: and ſucceſs and defeat principally reſt on the celerity with which we profit by times and ſeaſons, to ſecure the one and avert the other. When Cæſar fluctuated on the banks of the Rubicon, he put the empire of the world at hazard. Dominion hung upon the determination of the moment. He plunged into the ſtream, and conquered.

The executive authority of a nation, therefore, ſhould be lodged where it may be always exerted with the greateſt vigor and promptitude; and, if ſo, it will not be thought a fit depoſit for the hands of a multitude. How often muſt deſign be languid, and effort tardy, where many are to deliberate before deſign can be formed, and many are to agree before effort can be made? Among ſeveral counſellors there may be much reaſoning, but there will be little energy; more will be found to diſplay eloquence in debate, than vigour in action; and, as caution will frequently iſſue into procraſtination, procraſtination will as often terminate in diſappointment.

Even

Even with a few, the executive power will not be ſafely lodged. The few are, ſometimes, as liable as the many, to the diſtractions produced by contradiction of intereſt, diverſity of ſentiment, and oppoſition of deſign. They may be led, by various circumſtances, to waſte thoſe hours in altercation which ſhould be conſigned to action: and occaſion and opportunity will frequently be found to flit away, while they continue to nod and ſlumber over the narcotic diſcuſſions of the cabinet.

Neither, then, to the adminiſtration of the few nor of the many, has the Britiſh conſtitution devoted the executive power.——To prevent deſtructive contentions for ſupreme dignity; to preſerve domeſtic tranquillity by the prompt and efficacious execution of law; to maintain the national intereſts abroad, by energy and vigor in military operations; and to ſecure thoſe various and important advantages of quick deciſion, impenetrable ſecrecy, and rapid diſpatch, which belong to the reſolutions of monarchical councils; the ſtate, for theſe reaſons, has wiſely veſted its power in the hands of an hereditary king, to be exerciſed, however, with a limited authority, and in a degree which is to be determined by the laws alone.

In this regulation, as "all ſeems yellow to the jaundiced eye," Mr. Paine may behold nothing but deformity and defect. We, however, think there is wiſdom enough in it to be its vindication to mankind; and we reſpect it as a contrivance which adds ſtrength to government, gives efficacy to law, and

and promotes the common welfare, by promoting the due exertion of the common power. It is, alſo, peculiarly auſpicious to liberty. It provides, at once, for the exerciſe and limitation of authority. It enables the monarch to repreſs ambition or licentiouſneſs in others, but deprives him of the means of indulging a dangerous ambition in himſelf. It ſays to the man whom it inveſts with majeſty,—Thus far ſhalt thou go, and no further.

We are not, here, to ſuppoſe, that the monarch with whom authority has been thus depoſited, is reſtrained in his conduct ſolely by the decrees of law. THE DECREES OF LAW ARE TO POWER, BUT AS THE LEAVES OF THE SIBYLL BEFORE THE WIND. The founders of the conſtitution, therefore, have oppoſed to the executive magiſtrate, a counteracting force, abundantly ſufficient to limit his authority. They have made him

I. Wholly ſubordinate to the legiſlature.

II. They have eſtabliſhed his utter dependance on the Commons, for thoſe ſupplies without which his utmoſt power would be no more than a name.

III. They have deprived him of the means of intimidation by puniſhment; and ſo ſtrictly limited him in this particular, that he can, in no caſe, determine the penalty of guilt,

or

or authoriſe the clandeſtine impriſonment of the perſon *.

IV. And they have rendered him accountable, in his ſervants, for the adminiſtration of the laws, for the meaſures of his government, for his procedure in war, for his expenditure of the public money, and for every part of his conduct which has a reference to the nation.

In this manner has the executive magiſtrate been confined within his proper ſphere. He has not, however,

* The King cannot criminate in revenge, though he can pardon in mercy. His authority does not extend to offence before it has been clearly proved; and the mode of puniſhment reſts not with him, but with laws, by which it has been accurately aſcertained, without any reference to the perſon of the offender.

Nor can he, for a moment, illegally impriſon his meaneſt ſubject. The ancient writ of *Habeas corpus*, and the *Habeas corpus* act of Charles the II. are the common ſecurity from arbitrary or unjuſt detention.

Even in the article of treaſon, the crime which, of all others, kings are moſt likely to puniſh with ſeverity, the ſubject is aſſiſted to repel accuſation by very important advantages. He is permitted to make his defence by council. The evidence of two witneſſes is required to convict him; and he is to be ſupplied with a copy of his indictment, a liſt of the jury impanelled to try him, and the names of the witneſſes who are to appear againſt him. He is, therefore, furniſhed with every poſſible means of vindication and defence which equal laws can afford; nor can he, if innocent, be expoſed to much danger from the moſt powerful machination, or the moſt perſevering hoſtility.

however, been enfeebled, but reſtrained. When the laws go with him, he is every thing; when he forſakes the laws, he is nothing. His power is that of the nation, when he acts with the nation; but, the moment he ſhrinks into the littleneſs of ſelf,—THE ARM OF HIS STRENGTH WITHERS AWAY; HE SLUMBERS ON HIS THRONE WITHOUT RESPECT AND WITHOUT AUTHORITY; AND THE POTENT SOVEREIGN, WHOM KINGDOMS DREADED, BECOMES THE IMPOTENT MAN, WHOM INDIVIDUALS DESPISE!

So far, then, my Lord, every thing which we have ſurveyed in the ſtructure of government, ſeems to have been the work of patriotiſm operating under the direction of wiſdom. But, after ſo much had been done, one thing remained to be accompliſhed, without which all the reſt would have been vain and uſeleſs, the happineſs of ſociety left expoſed to the incurſions of fraud and violence, and the freedom of the ſubject rendered a precarious trifle, of little more value than a beautiful ſhade.—I mean the proper organization of the judiciary power.

For the ſafety of individuals, it is abſolutely neceſſary that this power ſhould be openly exerciſed; exerciſed by perſons choſen from the body of the people, and in a manner conformable to fixed and ſtated laws. Nor ſhould it be united either to the executive or legiſlative authority. It ſhould not be united to the firſt, becauſe, in that caſe, unjuſt decrees might be carried into oppreſſive execution: it ſhould

ſhould not be united to the laſt, becauſe, in that caſe, the moſt dangerous interpretations of old laws, might be authorized and maintained, by the immediate ratification of new.

Moreover, it ſhould be neither wholly free, nor entirely dependant. If it were entirely dependant, the judge might be overruled by the ambition or intereſt of the ſuperior power; if entirely free, he might be influenced by his own.

Nor ſhould it be always exerciſed by the ſame perſons. In accuſations which menace the life and property of men, the ſubject accuſed ſhould be authorized to chooſe his judges, or, in a certain degree, to except to thoſe who ſhall have been choſen for him. How elſe ſhall he be certain that his cauſe will not be committed to the deciſion of the prejudiced or of the cruel?

Theſe judges, too, ſhould be the peers of him who is to be judged; and they ſhould, in general, have the power of determining, in his caſe, both as to the law and fact. They ſhould be his peers, for, otherwiſe, he might be expoſed to the adjudication of perſons leſs inclined to mercy, and more to rigor: they ſhould be judges of law and fact; for, otherwiſe, their decrees would be imperfect, and they would be only inferior judges, expoſed to the arbitration of ſuperior. But they are not to be entirely without controul. Their determinations ought to be ſtrictly conformable to the laws, and ſubject to appeal. Were their deciſions final, their errors would be deciſive: and were they to be regulated only by their

their own private opinions, men could not poſſibly know the nature of their civil obligations, and no ſettled principles would be left for the regulation of conduct. Every judge would impoſe new rules, as whim or ignorance preſcribed. All would be confuſion, darkneſs and hazard.

According to theſe ideas, has the judiciary power been eſtabliſhed in England. It is neither wholly dependant, nor abſolutely free. The accuſed have a right to except to their judges, and the judges are, in moſt caſes, the peers of the accuſed. Neither the legiſlator who makes, nor the executive magiſtrate who enforces the laws, can controul the perſons appointed to interpret them. The good of the public, and the impartial adminiſtration of juſtice, are alone conſidered in the tranſactions of the judicature.

And now, my Lord, if we here take our ſtand, and view the ground which we have paſſed, the proſpect will be found not ungrateful to Engliſh eyes. The ſight will be occupied by no plans of royal deſpotiſm, no ſchemes of idle ſpeculation, no contrivance of ſlaviſh policy, no unſteady and unſound eſtabliſhments, whoſe mouldering ſtructure intimates decay. The ſcene before us will be ſuch as freedom delights to contemplate, and ſuch as exhibits, in one view, whatever has been regarded by ancient or modern policy, as moſt uſeful and ſalutary to mankind. A limited and hereditary throne; a king too weak to tyranize, and too ſtrong to be oppreſſed; an executive power, calculated for vigorous and prompt exertion; a legiſlative authority formed,

formed, by its manner of acting, TO IMMORTALIZE ITSELF; a judicature conſecrated to juſtice and impartiality, and on which no external dictation can operate to the perverſion of equity, and the abuſe of law; a government compoſed out of all theſe, not for particular advantage, and public oppreſſion, not to faſten the ſcourge of tyranny in the hands of the great, or to bare the ſhoulders of the poor to the unmerited blow; but, to make all ſubject to legitimate reſtraint, the people ſubject to the King, and the King ſubject to the law; theſe are the objects which the preceding detail offers to the eye; objects which are not the phantoms of conjecture, but the realities of practice; from which is derived the peculiar excellence of the Engliſh conſtitution; and which, if they want a eulogy, poſſeſs the beſt that can be given, in the happineſs they promote; and, if they want an eulogiſt, have the nobleſt that can be enjoyed in experience and in time.

It might be thought, my Lord, that a government thus conſtructed, afforded little cauſe of irritation to the wrath of invective, or to the turbulence of faction; that, whatever be its defects, it yet poſſeſſes virtues enough to ſhame obloquy and malevolence into ſilence; and that, from the wiſdom of its formation, and the utility of its tendency, it ſupplied reaſon for diſcontent and reproach to thoſe only whoſe reproach and diſcontent are to be awakened by views of excellence. Nevertheleſs, Paine and Mackintoſh, and the diſciples of both, have applied to it every epithet which could be drawn from opprobrium or from contumely, every appellation which language could

could ſupply of degredation and contempt, every cenſure which enmity could dictate, which invention could frame, or which fraud, ſophiſtry, and artifice could ſupply. According to them, it is not a government; it is a cabal; it is a "conſpiracy," which muſt ſpeedily have an end; which, if not ſoon reformed, muſt ſhrink into annihilation before the frown of an omnipotent and irritated people; and againſt which national vengeance has already raiſed his giant hand, as againſt the enemy of the public, as againſt a baſe, depraved, noxious, and wicked form of polity, contrived to cheat the people of their birthright, to delude them out of their liberty, to ſuſtain ſome on the throne which deſpotiſm has ſprinkled with the heart-blood of the people, and to ſend others to ſweat and drudge and groan with ſlavery in the mine.

They who ſpeak in this manner ſeem to have added, in a conſiderable degree, preſumption to malevolence, and vanity to miſrepreſentation. They firſt frame pernicious ſyſtems, on which they aſſert all government ſhould reſt; and they, then, infer, that all governments which do not reſt on theſe pernicious ſyſtems, are worthleſs and corrupt. By their own tenets, they judge of the ſentiments of the reſt of men; by their own wiſdom, they eſtimate the wiſdom of the world; and they conclude, that, becauſe the founders or aſſertors of our conſtitution were far from "feeling the force of the ſublime truths which they have diſcovered and diffuſed," the founders and aſſertors of our conſtitution were not "ſufficiently mature and enlightened for the great enterpriſe of legiſlation;" and, of courſe, could not contrive a ſyſtem of polity

polity worthy of the approbation of the illuminated patriots of the eighteenth century *.

From theſe alienations from temperance, and this rejection of caution, ſomething, however, may be learned. Had Mr. Paine and his followers diſcuſſed patiently and calmly, what they have arraigned and inveighed againſt with ſuch fearleſs temerity and audacious confidence, their aſſertions might have been framed to win belief, and their arguments to enforce conviction. But, when they require our faith at the expence of obvious truth, and long experience; when they war againſt fact, and toil to unrealiſe reality; when they adopt a logic which is more expreſſive of the forwardneſs of youth, than the reaſon of manhood, who can regard their efforts without a ſmile, without being taught the folly of literary arrogance and political contumely, and without being convinced, that truth derives ſupport from the very violence which attempts her ruin, that falſehood confutes herſelf by her own audacity, and that error, in its groſsneſs, contains its antidote?

Of the inſtitutions which theſe men condemn, and which have been already examined, it is the opinion of Monteſquieu, that they form a government, which has no other end and ſcope than civil and political freedom. I am, however, willing to confeſs, that a government, though admirable in its texture, is not in itſelf ſufficient for the full accompliſhment of freedom. To ſecure that bleſſing, not only muſt government be well calculated for a juſt and ſteady adminiſtration of the laws, but the laws themſelves be

* See Vindiciæ Gallicæ, p. 161, 145, 146.

be ſalutary and wiſe. Am I aſked, then, after all, are we in poſſeſſion of liberty? I reply, we are; and our liberty is preeminent in this,—IT IS NOT THE LIBERTY OF LICENTIOUSNESS, BUT THE LIBERTY OF LAW.—IT IS THAT LIBERTY WHICH SHEDS EQUAL INFLUENCE ON ALL.—IT IS THAT LIBERTY IN WHICH THE ARTS AND SCIENCES EXIST.—IT IS THAT LIBERTY WHICH CONSTITUTES THE PERFECTION OF POLICY; WHICH FORMS THE STRENGTH AND MAJESTY OF THE PEOPLE; AND WHICH IS SO FAR PLACED ABOVE THE STORMS WHICH FACTIOUS PASSIONS SOMETIMES EXCITE, THAT SHE HEARS THE TEMPEST RAGE WITHOUT CONCERN, NOR BURSTS THE THUNDER BUT HARMLESSLY AT HER FEET.—Extending our view from the ſhores of the Boſphorus to the utmoſt verge of the Eaſt, what are the objects which inceſſantly occur, but deſpotiſm ſorrowing in purple, and ſlavery drudging at the oar? In the Weſt, our ſearch for liberty will often prove no leſs vain. The petty and diſorderly ſtates of Italy; the arbitrary monarchies of Pruſſia, Germany, and Ruſſia; moſt of the puny and inſignificant cantons of the Switz; and even the boaſted republic of Holland itſelf, where all things are ſaid to be bartered for gold, and which has been ſo forcibly pictured, as

"A land of tyrants, and a den of ſlaves,"

are all, perhaps, equally ignorant of genuine freedom; for all experience the controul, not ſo much of certain laws, as of uncertain men; and depend for their portion of ſecurity and welfare, upon the caprice of one, or, at beſt, the equally capricious

temper

temper of a few. But here, a far different polity prevails. Theſe little iſlands, theſe gems upon the boſom of the deep, are conſecrated to liberty. The right of perſonal ſecurity, of perſonal freedom, and of private property, are the common treaſure; and there is no power ſtrong enough to wreſt from our graſp the rich and precious inheritance*. By known and fixed laws, equal barriers have been raiſed againſt deſpotiſm and licentiouſneſs†. That reſtraint alone is impoſed on us which is neceſſary to the preſervation of public happineſs‡. IF WE WEAR ANY FETTERS,

* Theſe fundamental privileges of Engliſhmen have been from time to time ratified and confirmed in the moſt ſolemn manner, by our kings and our parliaments. The laws on which they depend are plain and deciſive; and they have been ſo often mentioned, and ſo effectually explained, that no ſubtilty of conſtruction can now affect them. They are, indeed, for moſt part, coeval with our government. Time may have contributed to their growth and melioration, but their birth was ancient. The charter of King John itſelf did not grant, but declare them; (2 *Inſt. Proem.*) for that charter was nothing more than a written ſpecification of the common law of the land (25 Edw. I.) They were afterwards, however, confirmed by innumerable corroberating ſtatutes; (2 *Inſt. Proem.*) and the "Petition of rights," aſſented to by Charles I. the "*Habeas Corpus* Act" of Charles II. the "Bill of Rights," enacted immediately after the Coronation of the Prince and Princeſs of Orange, and the "Act of Settlement," paſſed at the commencement of the preſent century, have all aſſerted and claimed them as the true, antient, and indubitable rights of the people of theſe kingdoms; and have all contributed to immortalize, as far as human contrivance can immortalize, that liberty and thoſe laws which conſtitute the common felicity of the nation.

† Cheſterfield. "Character of Baron Monteſquieu."

‡ Facultas ejus quod cuique facere libet, niſi quod jure prohibetur. Inſt. 1. 3. 1.

FETTERS, THEY ARE THOSE ONLY WHICH OUR OWN PASSIONS AND VICES FABRICATE AND BIND; IF WE BE SLAVES, WE ARE SLAVES BUT TO OURSELVES! Right has been extended to the very infant in the womb *. Even the deſtitute negro reaches not our ſoil, without participating our bleſſings, and falling under a protection which reſtores to him ſome part of the freedom he enjoyed in his native wilds†. We have no ſlaves at home; and every ſubject, the poor as well as the rich, the weak as the powerful, the ignorant as the wiſe, may, "for injury done to him *in bonis*, *in terris*, *vel in perſona*, by any other ſubject, be he eccleſiaſtical or temporal, without any exception, take his remedy in the courts of juſtice, and have right done to him freely without ſale, fully without denial, and ſpeedily without delay ‡."

Nay, the wiſdom and vigilance by which our rights have been thus ſecured, have extended their cares much further. Nothing but the dread of juſtice can reſtrain the crimes of men. The law, therefore, has decreed that the guilty ſhould be deprived of the rights of ſecurity, property, and liberty, in proportion to the injuries which their guilt inflicts on the public. BUT, IN THE CUP OF EQUITY ARE MINGLED THE BALMY DROPS WHICH DISTIL FROM THE FOUNTS

* See Bractor. Lib. iii. and Stat. 12. Carol. II. c. 24.

† Salk. 666. It is even doubted whether his maſter has a right to his ſervice after he has landed in England. Blackſtone. B. i. c. 1.

‡ Inſt. 2.

FOUNTS OF MERCY. Clemency directs the puniſhment of the criminal. The conſtitution knows not of any power which can reach and injure the ſubject, however guilty, without the expreſs warrant of the law*. The wretch who is arraigned and forſaken, cannot yet be condemned, but by the equitable voice of the moſt equitable tribunal in the world. No action is to be pronounced criminal, but that which the legiſlature has ſtigmatized as a crime; no crime can be imputed to an individual, but from a legal proof before his judges; and no judges can condemn, but ſuch as are the fellow-citizens of the accuſed, and ſuch as are obliged, by ſelf-intereſt, to adminiſter juſtice with impartiality and care †.

"Thee, then, I count ſtill happy, and the chief
Among the nations, ſeeing thou art free
My native nook of earth. Thy clime is rude,
Thine unadulterate manners are leſs ſoft
And plauſible than ſocial life requires,—
Yet, being free, I love thee:—for the ſake
Of that one feature, can be well content
To ſeek no ſublunary reſt beſide."

Of the laws which unite with our government to confirm to us ſo many and ſuch invaluable privileges, we boaſt not as originating in the modern ſchool

* See 28 Edw. III. c. 3 and 5. Edw. III. c. 9.

† See Hume, Vol. X. of his Works, Dublin Edit. Nullus liber homo (ſays Magna Charta) aliquo modo deſtruatur, niſi per legale judicium parium ſuorum, aut per legem terræ.

of "the Rights of Man." They ſcorn to attribute their birth to the national aſſemblies of theſe later times; and they bear no fraternal reſemblance to the progeny of civil opinions which have iſſued from the throes of a Price or a Paine; which the delirious ambition of French demagogues has introduced into French conſtitutions; and which, having been diſcuſſed in clubs, and applauded by the populace, are forced by an ignoble oligarchy of voluble talkers, of needy ſtateſmen ſkilled in the ſcience of demolition and plunder, upon the new-modelled legiſlature of France, and *there* enacted into decrees, to become the ſcourge, perhaps, of the preſent race, and the riddles and wonders of future ages. No! our laws are not the recent progeny of impracticable ſpeculations, of ſophiſtical ſubtilties, of licentiouſneſs, artifice, or whim. Inſtead of being the production of individuals; inſtead of being the work of a ſingle century; inſtead of deriving their excellence from the efforts and wiſdom of a ſingle people, they have gradually and ſlowly ariſen from occaſion and from emergence; from the policy and prudence of different ages; from the contentions, ſucceſſes, opportunities, and wants, of various orders and deſcriptions of men. Something has been borrowed to complete their accompliſhment from nation after nation; they come to us, in many inſtances, enforced and ſanctioned by immemorial uſage; they were, probably, introduced by the voluntary conſent of the people *; and they may be traced up to the

* Blackſtone's Introduct. p. 74.

the wiſeſt inſtitutes of the civil law, as propagated amongſt us by the zeal of Vicarius; to that plenteous fountain of legal erudition, the feodal ſyſtem; to the old and venerable eſtabliſhments of the northern nations, or to the cuſtoms of the antient Germans, as detailed by Tacitus. It may be ſaid of them, therefore, that they have been improved in their texture, by the accumulated ſagacity and experience of various countries and ages: that they are, in the phraze of Bacon, as mixed as our language; and that, as our language is ſo much the richer, they are the more complete *.

Laws, it may be generally obſerved, are not to be eſtimated *ſolely by their degree of ſpeculative excellence.* Laws often become morally and politically "falſe, in proportion as they are rendered metaphiſically true:" and, however excellent in theory, and ſublime in their formation, if they be not connected, by an intimate relation, with the manners and cuſtoms of the people for whoſe direction they were framed, they become, in operation, worſe than nothing †; and they are either

 rejected

* See propoſals for a digeſt.

† When Varus endeavoured to introduce the refined inſtitutes of the Romans amongſt the German tribes, he only exaſperated the barbarity he was ſolicitous to reclaim; and the Parthian King, who, after having been educated in Rome, ſought to tranſplant ſomething of the polity of that capital into his own country, ſpeedily became an object of contempt and deteſtation to his ſubjects, and was accuſed of patroniſing new and unknown vices. "Prompti aditus, nova comitas, &c. ignotæ Parthi virtutes, nova vitia." Tacitus.

That

rejected with contempt, or reſiſted with deteſtation.

According to this idea, it will be thought no longer certain that the modern ſpeculative juriſprudence of France will be ſo effective and ſalutary, as deſigning theoriſts pretend to imagine. To which of the manners and tendencies of the people of that country, do their young and untried laws refer? Shall the multitude acquire a new being, becauſe it has been ſubjugated to new legiſlators? Or ſhall the decrees of the National Aſſembly be able to regenerate the minds of men, as they are ſaid to have regenerated government and the ſtate? Much have we heard of the power of magic. Circe could brutalize

That the beſt laws are not always thoſe which beſt accord with the idea of abſtract perfection, ſeems to have been the invariable opinion of Solon. He was certainly leſs attentive to the wiſe in theory, than the uſeful in practice. When he undertook to new-model the laws of Draco,—and why were they to be new-modelled, but becauſe they did not approximate ſufficiently to the modes and cuſtoms of the Athenians; not becauſe they were defective, for they were not more ſo than thoſe which were afterwards adopted, in metaphyſical truth?—he was leſs attentive to theoretical rectitude, than to the temper of his countrymen; and we have it from himſelf, that his chief enquiry was not what they *ought* to ſuffer, but what they *would* bear!

In the adaptation of the law of Moſes, perhaps I may be allowed to ſay, that the maxim here laid down was, likewiſe, adverted to. That law, though the offspring of heaven, did not diſplay the faultleſs features of metaphyſical beauty. "I have given you," ſays the Almighty to the Jews, "laws which are not good:"—that is, I conceive, which are only relatively good, and ſuch as your temper and prejudices would tolerate.

talize humanity; and Canidia could wake a ſoul "under the ribs of death:"

"Deripere lunam vocibus poſſim meis,
Poſſim crematos excitare mortuos."

But, whether the aſſembly of Paris poſſeſs any of the ſpells of ſorcery, and can ſhape the nation to its laws, after having forgotten to ſhape its laws to the nation; can adapt thoſe who are naturally verſatile and gay, to the ſevere muſings of abſtracted pedantry; can transform the cheerful cavilier, into the plodding and formal round-head, are queſtions which, whatever appearances may atteſt at preſent, are to be reſolved but by the wiſe voice of future ages *.

Happy is it that we of theſe nations have gone through the proceſs of the experiment. We know and

* The people of France, it may be ſaid, have already embraced the laws of the Aſſembly, and renounced, in their favor, all their antient habits of loyalty and liberality. Yes! they have embraced them, but they as yet know not what they have embraced. Are they, in general, able to judge rationally of ſublimated declarations of rights, of profound and obſcure memorials, and of refined, and whimſical, and adventurous novelties! They have grown drunk with the fumes inſpired from the magic cauldron of the Aſſembly; and they, therefore, like Caliban to Trinculo, exclaim "O, brave maſters!" But, when they ſhall have once more become temperate and wiſe, and when the noxious vapour ſhall have diſperſed, which now maddens their brain, will they, then, continue to worſhip the lords whom their folly has canonized, and will they calmly ſacrifice the monarchy which they have always loved, at the altar of a policracy, ſuch as, until now, has never yet been, I will not ſay, adopted, but even conceived?

and have tried our laws. They harmonize with all the eſtabliſhed cuſtoms and habits of the people. They do not tear us from ourſelves, but accord with us. They do not command us to become a new race, but to continue Britons. Like our boaſted oaks, they are particularly attached to the Engliſh climate and ſoil; and like them, I truſt, they are able to defy the commotions of paſſing ſtorms. They are, in a word, not meerly theoretically wiſe, but practically expedient; and it is for this reaſon we love them the more. However, therefore the political ephemera of the day may exclaim, we will not part with them, for the new-born theory of "the Rights of Man." We will reſt ſatisfied that they are ſalutary in conſequence, without being ſolicitous to examine them through the microſcope of ſpeculation: or if, in any reſpect, they ſeem to require amendment, we will *approach them with awe*; we will *lop*, with a *timid hand*, even the *ſuperfluous* branch; but nothing ſhall tempt us to hazard experiments on the PARENT STOCK, WHICH HAS SO LONG SPREAD OUT ITS SHELTER TO THE LIBERTY OF NATIONS, AND SUSTAINED THE POLITICAL WANTS OF A GREAT PEOPLE WITH SUCH INESTIMABLE FRUITS.

I might, here, my Lord, cloſe this long letter, if one topic more did not remain to be diſcuſſed, on which much has been lately ſaid, with acrimony and virulence. This topic is Toleration.

Vain would be all the political privileges we enjoy, if we yet continued to groan under the thraldom of intolerance. The moſt precious freedom, is freedom of

of mind; the moſt odious ſlavery, is the ſlavery of thought and conſcience.

Were the charges, therefore, which, on this head, have been repeatedly exhibited againſt our church and laws, in the ſlighteſt degree connected with truth, even my humble voice ſhould be elevated againſt the intolerant ſpirit of the ſtate. Religious liberty is the abſolute right of all; and its tendency, inſtead of being noxious to truth, is promotive of wiſdom. If it ſubject the goſpel to every ſpecies of criticiſm and ſcrutiny, it ſubjects it, in fact, but to ultimate illumination. Long ſince would Chriſtianity have fallen, had it not been formed to bear the teſt of the moſt rigid enquiry: and many are the facts which demonſtrate, that it is well able to ſuſtain hoſtility far more dangerous than any it has hitherto experienced; that it is the gold, which, amid the trials of the furnace, has only exhibited new proofs of purity without alloy; that it is the medicinal ſpring, in which the utmoſt ſubtilty has been able to diſcover nothing but celeſtial remedies for the diſorders of the heart and paſſions; and that, however light minds from inattention, or profligate from guilt, may have apoſtalized from it, yet, of the candid and the learned, few have patiently examined its claim to a divine origin, without becoming its friends, without ſtanding forward as its advocates, in defiance of infidelity and her brood, and defending its doctrines in all their latitude and extent, with a zeal which nothing could intimidate, and an ardor, which

nothing

nothing could repreſs *. By thoſe, therefore, whoſe object is truth and chriſtianity, there is nothing to be

* It has been obſerved by Doctor Robertſon, that learning and chriſtianity were intimately aſſociated at the æra of the reformation. Charles V. Vol. ii. p. 116, 117, Dub. Ed. But not at that æra alone were they confederated in this manner. They have, in later times, been no leſs cloſely allied. They were long buried under the ſame maſs of ignorance and ſuperſtition. They roſe with renovated ſtrength together. Each has ſince moſt cordially contributed to the advancement of the other; and if the diſciples of Chriſtianity have been principally found, within theſe two centuries, to enlarge the boundaries of human knowledge; the ſons of learning, on the other hand, have freely iſſued from their retreats in favor of the Goſpel. Is, then, the catalogue of ſceptics ſplendid with great names? The catalogue of the friends of the Goſpel, will, by no means, be found leſs honourable or leſs illuſtrious. The free-thinker may glory, if he will, in the cold and gloomy dogma of Hume, the proud and preſumptuous infidelity of Bolingbroke, the impious witticiſms and diverticula of Voltaire, and the deluſive doubts and inſinuations of Rouſſeau. But ſtill it muſt be admitted, that, in the Chriſtian commonwealth, the aliens, compared with the citizens, are yet the minority, and but a ſmall one. Beatty's Evidencies, p. 226, Dub. Ed. It is not meerly among thoſe who have been eſpecially conſecrated to the ſervice of the church, that religion has found advocates able to defeat her opponents, and to wield the ſling of truth with ſucceſs againſt the Goliaths of ſcepticiſm. Other defenders ſhe has had, ſufficiently numerous and learned; and when we recollect, that to the great body of her friends who have regarded her doctrines not only as wiſe, but as inſpired, ſhe can add the names of Bacon, Mornay, Paſcal, Spanheim, Puffendorf, Grotius, Wolſely, Hale, Newton, Lock, Boyle, Milton, Clarendon, Addiſon, Arbuthnot, Forbes, Lyttleton, Weſt, Johnſon and Beatty, we have abundant reaſon to conclude, that ſhe boaſts ſuch diſciples as never yet diſtinguiſhed the phalanx of infidelity, and as might be thought to have confirmed the cauſe which they ſuſtained, by unexceptionable teſtimony, if the teſtimony

be apprehended from freedom of ſcrutiny: nor am I afraid to utter it as my moſt ardent wiſh, that the eccleſiaſtical polity of theſe kingdoms may never fail to authorize every man, not meerly to think without reſtraint, but to ſpeak what he thinks *; may never fail to regard the right of private judgment in every concern between God and ourſelves, as ſuperior to the controul of human power †; to look upon the ſecret intercourſe of a man's ſpirit with his Creator, as juſtly excluding all foreign cognizance; and to venerate truth too much to reſtrain that ardor of diſquiſition and of enquiry, which, in its fulleſt indulgence, can tend only to advance the intereſts of learning, to diffeminate wiſdom and knowledge more widely among men, and to produce additional proofs of the excellence and verity of our common religion.

That this, at preſent, is the characteriſtical ſpirit of our religious polity, I have no doubt. The day has paſſed, when intellectual tyranny ſhed its dull but malignant influence upon the ſtate, and could put to the torture, not merely the bodies, but the minds of its victims. We utterly diſclaim that deſpotiſm which forges fetters for conſcience: liberty conſtitutes

timony of thoſe ſhould be deemed unexceptionable, who poſſeſſed ſuperiority of genius, elegance of taſte, extent of knowledge, ſolidity of judgment, and candour and integrity of heart.

* Sentire quæ velit, et quæ ſentiat, dicere.

† See Doctor Watſon's Apology for Chriſtianity.

conſtitutes not only the glory of the crown, but the dignity of the mitre; and we boaſt it as our diſtinguiſhing happineſs, that mildneſs and perſuaſion are the only inſtruments by which the propagation of religious opinions is attempted amongſt us.

Theſe truths, my Lord, I am aware, will be denied.—By whom?—By men whoſe conduct and language demonſtrate moſt emphatically the folly and falſhood of the denial. In what are they reſtrained? Are the doors of their conventicles cloſed againſt them? Does any power interfere, to regulate their modes of worſhip? Are they forbidden to nominate their paſtors; to aſſemble for the purpoſes of religion in open day; to preach what they pleaſe; to convert whom they can; to propagate their tenets from the pulpit or from the preſs; in a word, to avow, to ſupport, to vindicate, and diffuſe their doctrines, by any means which they themſelves can be ſolicitous to adopt, and which are not directly hoſtile to the public welfare? Far otherwiſe. They experience the utmoſt liberty through all the variety of their ſects. They are every where heard to utter, with all boldneſs, their ſeveral opinions. They ſpeak and they write, they preach and they publiſh, at all times, and on all occaſions, whatever they think right, or would have thought to be ſo. Their lips are locked by no fear; their pen is reſtrained by no awe. They are, in their religion, every man, not a ſubject, but a king, ſuperior to intimidation, and unreſtrained by law.

What

What, then, do theſe men want or require? Not ſecurity? They have it. Not toleration? It is theirs. Not univerſal right of conſcience? They poſſeſs it in its utmoſt extent. No, no. THEY ARE EXCLUDED FROM CIVIL OFFICE AND EMOLUMENT, AND, THEREFORE, THEY SAY, THEY ARE NOT DULY TOLERATED. HINC ILLÆ LACHRYMÆ!

I ſhall not, now, enter into the queſtion, whether they are juſtly excluded from office. This would lead to a diſcuſſion too complicated and tedious for my preſent purpoſe, and I ſhall, therefore, leave it to the deciſion of the laws. But I muſt obſerve, that, though the ſolemn voice of the legiſlature has decreed, in this inſtance, what their ambition would decry, it by no means follows, that the toleration they enjoy is incompleat. However they may think, the ideas of intereſt and of religion are far from being ſo cloſely related, as to render the cauſe of both the ſame. To contract our views of the firſt is not, in any reſpect, to impede our exerciſe of the laſt. The liberty of worſhip cannot be affected by any excluſion from the emoluments of ſtation: and *he who is priviledged to profeſs whatever liturgy he likes, poſſeſſes an equal ſhare of religious freedom, whether he enjoy, or be denied, the advantages of office.*

They, indeed, who complain of intolerance, merely becauſe the honours of government are placed beyond their reach, afford ſome reaſon for the inference, that they very intimately unite their views of piety and of profit, of their ſpiritual welfare, and their ſecular deſigns. THEY SEEM TOO ZEALOUS TO

LIGHT

LIGHT THE LAMP OF DEVOTION AT THE SHRINE OF INTEREST. And they talk much of "perſecution for righteouſneſs ſake;" not, it would be thought, becauſe the open exerciſe of their religion is, in any wiſe, reſtrained, but becauſe they are forbidden to interfere in the adminiſtration of the ſtate.

By multitudes has it been imagined, and aſſerted by many, that the religious liberty theſe men enjoy, has not been always exerciſed with modeſty or with wiſdom. In their efforts to make proſelytes, they cannot be cenſured, if they be ardent; in their endeavours to vindicate their tenets, they cannot be condemned, if they be firm. This they owe to themſelves. But, in their zeal to maintain and diffuſe the doctrines they profeſs, they ſeem, at times, to forget what they owe to the public. They often ſpeak of the ſettled order of the ſtate, in language tinctured with the bitterneſs of a perſecuting ſpirit: and, whenever they advert, in their writings, to the eſtabliſhed church, the gall of virulence iſſues from their pen; they inveigh againſt it with a malignity which is as impolitical as it is furious; and they betray a diſpoſition to purſue it with an hoſtility not to be ſatisfied or appeaſed, till it be levelled with the duſt.

I, my Lord, do not accuſe them of all this. That were needleſs, ſince their own words accuſe them. They ſtand ſelf-convicted of the charge. Their enmity to the national church is upon record, and the record was written by themſelves. Let not the cenſure,

ſure, therefore, be *mine*, if I only ſtate what *they* acknowledge.

Of theſe aſſertions, I aſk no vindication ſave what every page of their pamphlets will afford. Hear Doctor Prieſtly, eſpecially, and you will think I have done the party he ſupports but little juſtice, in attributing to it a common averſion to our eſtabliſhment, and a common longing for its deſtruction. That party, if we may judge from the temper of its advocate, is agitated inceſſantly by a zeal for the ſubverſion of the church, which nothing could repreſs, but the want of power. It regards epiſcopacy and monarchy with the ſame eye of deſtruction. It betrays a fury in impotence, from which we may eaſily diſcover what would be the conſequence, were it poſſeſſed of ſtrength in the ratio of its malevolence: and, if it be now reſtleſs, diſſatisfied, melancholy, factious, and ready for revolutions both eccleſiaſtical and civil, we know that, to be conſiſtent, it could not enjoy authority, without toiling to accompliſh the ruin of our moſt venerable inſtitutions, and, perhaps, to involve in the ſame ſubverſion the mitre and the crown. When our governors, therefore, become *weary of our conſtitution and laws*; when they *ſigh for innovation, as a bleſſing*, and *lament regularity and order as a curſe*; when they *wiſh that the reſtraints which civil polity impoſes upon each to ſecure the liberty of all, ſhould be relaxed or done away*; let them, then, confer power on Doctor Prieſtly and his pupils, and reſign government to the wiſdom which illuminates their pages, which triumphs in their clubs, and which, in the eſtimation of French Jacobins, entitles them to the name and to the honours

nours of STATESMEN, PATRIOTS, REFORMERS, AND PHILOSOPHERS*.

To conclude. You have been conducted, my Lord, in the preceding pages, through an extended ſcene of various polity, which contains all that the ſagacity and experience of centuries could give it, of decoration and of beauty.

You have beheld excellence in that which has been denominated defect, and grace in that which has been cenſured as deformity; you have beheld utility flow from ſources termed impure and corrupt, and liberty reſulting from contrivances arraigned with violence, and loaded with reproach.

You have beheld proofs, not merely of the depravity of party, the folly of diſcontent, and the malevolence of faction, but of the falſehood of the accuſation which deſigning men have advanced againſt the plan of our polity, and the tendency of our laws.

You have beheld the miſchiefs which turbulent fancies have pictured as lurking in our government, vaniſh before the ſcrutiny of truth and reaſon; and the pride of party, and the miſrepreſentations of invective

* I had collected undeniable proofs of every thing which I have here advanced; but thoſe proofs conſiſted of ſuch a number of unedifying quotations, and filled ſo many pages in ſo unprofitable a manner, that I thought it but a proper ſacrifice to the taſte and patience of the Reader, to eject them from my work.

vective, yield to a plain ſtatement of facts, and to unforced deductions from undeniable premiſſes.

You have beheld, in the pecuniary influence of the crown, in the ſtate of national repreſentation, in the regulation of the expenditure of the public money, and in the mode of taxation;—you have beheld in theſe, if not the marks of faultleſs wiſdom, if not the perfections of abſtracted theory, at leaſt the laudable inſtitutions of wholeſome policy, and the uſeful ſchemes of practical knowledge, which, if they have errors, poſſeſs many virtues, and which, therefore, ſhould never be yielded to the rough hand of innovation, until well-founded conviction inform us, where innovation may improve them.

You have beheld, my Lord, what nor Athens nor Sparta, nor Crete, ever poſſeſſed, a government the ſole object of which is the civil and political happineſs of the people; a government founded upon the broad baſis of national welfare, which witholds the means of oppreſſion from the great, and of licentiouſneſs from the low; which confines, within the ſame circle of reſtraint, the peaſant and the king; and which, leaving every man free whoſe virtue merits freedom, effectually controuls and governs thoſe who are unwilling to controul and govern themſelves.

You have beheld that government in its ſeveral parts; in its legiſlature calculated to provide ſuch laws as the common welfare requires; in its executive magiſtracy formed to carry thoſe laws into effect

with

with vigour and diſpatch; and, in its judicature, contrived to interpret, expound, and adminiſter them, with readineſs, with integrity, with a ſolemn regard to their letter and their ſpirit, and with a care and attention peculiarly favourable to the rights of all.

You have beheld the laws themſelves, laws eminently ſalutary and eminently ſagacious;—not the offſpring of flighty fancy, not of aſſemblies zealous for change, and furious for revolutions; not of ſpeculations, ſpun from inventive brains in the novel ſchool of upſtart philoſophers and cenſors, but the joint production of time and wiſdom, of neceſſity and experience, of policy and public ſpirit, of contingency and emergence; a production, the practical excellence of which is known and felt by millions, and which, in its conſequences, is peace, comfort, and liberty to the ſtate.

You have, in fine, beheld a conſtitution which *he who underſtands will venerate, and he who enjoys ſhould bleſs;* which extends its protecting care alike to him who has been born and bred in humbleneſs and obſcurity, and to him who has been educated under the canopy of the throne; which, whatever be its imperfections, and ſome imperfections it muſt have, is eminently noble in deſign, and felicitous in tendency, IS WISDOM EXHIBITED IN A POLITICAL FORM, AND UTILITY EMBODIED IN CIVIL CONTRIVANCE!

Theſe are the particulars which I have here ſubmitted to your Lordſhip's attention. Whether taken ſingly or compounded, they lead to many concluſions of preeminent importance: but theſe three inferences are, I truſt, obviouſly deducible from them:

I. That the defects of our eſtabliſhment are comparatively few, and the bleſſings reſulting from it are numerous and great.

II. That our conſtitution abundantly falſifies the aſperſions of its opponents, and is preeminently protective of the common freedom.

III. And that, if any thing be wanting to complete, in theſe countries, the maximum of political felicity, it is virtue, it is wiſdom, it is a DISPOSITION TO PROFIT BY THE ADVANTAGES WE ENJOY, AND TO SEE EVILS ONLY WHERE THEY EXIST.

With ſuch privileges, ſuch means of proſperity in our hands, we have little reaſon to envy the liberty of any nation, either of our own, or of antient days. We are peculiarly free, and may be peculiarly happy: we are ſurrounded with bleſſings, of which nothing but the temper of Tantalus can mar our enjoyment. What, then, are we to conceive of their deſigns, who invite us to reject our precious advantages for the baubles of theory; *to barter, like the Indian, our gems and gold, for worthleſs toys and in-*

ſignificant fopperies? What, I ſay, are we to conclude from the machinations of thoſe who have enliſted under the banners of Price, Prieſtley, and Paine; who have repeatedly vilified our conſtitution through all its branches; who have deſcribed our monarchy as tyrannical, our legiſlature as corrupt, our church as intolerant; who have ſcattered over the empire their poiſonous pamphlets, to madden the raſh, and to taint the weak; and who, by theſe means, urge the people to renounce their conſtitution; to reject the king, the legiſlature, and the church; and to adopt, in the place of all, thoſe new-fangled ſchemes of *democratical ſagacity*, brought forward by modern Cromwells, who differ from their predeceſſor, but in being, as yet,

——————"Guiltleſs of their country's blood?"

Were this faction to acquire power in any degree equal to their ambition, it is impoſſible for any man to ſay what would be the reſult. Their whim, their caprice, their rage for innovation, and their theorizing mania might generate ſuch monſters as have never yet been ſeen in the political world. But ſome of the conſequences which would iſſue from the accompliſhment of their deſigns, we have grounds enough to conjecture: and it might not be unſafe to aſſert, that, were they our maſters, we ſhould be ſpeedily involved in diſorder and anarchy; our laws would be melted down to fantaſtical declarations of the

the rights of man; our church would be pillaged of its property by fanaticks and plunderers; and our crown would be firſt ſtripped of its honours and prerogatives, and finally be caſt away as a pernicious nuiſance.

In truth, my Lord, we do not learn this from ſuppoſition, but from themſelves. They ſcorn ambiguity. They have, therefore, left no doubt of the miſchief they wiſh and mean to produce. They declare it openly and inceſſantly. They utter treaſons againſt all that we have long cheriſhed as the objects of our political veneration and love, with a confidence which laughs at reſtraint, and contemns diſguiſe. With the French revolution we have, in reality, nothing to do; and yet this revolution they ceaſeleſsly exhibit to the people, as the diſtinguiſhing glory of the age, and as alone worthy of public attachment and imitation. They are not even ſatisfied with individual exertion. They have embodied their powers. They have incorporated themſelves into clubs, for the purpoſe, apparently, of exciting a ſtorm, ſuch as that which has already ſhipwrecked France, and would, if it were to prevail here, ſhipwreck Great-Britain alſo; for the purpoſe of overthrowing all the moſt antient and venerable inſtitutes of the ſtate, both eccleſiaſtical and civil, in favor of the new prodigies of the National Aſſembly; in favor of firſt principles which, in many inſtances, are falſe, and, in many, unintelligible; in favor of uſages which would prove ſubverſive of our whole ſyſtem of manners and cuſtoms; in favor of ſchemes which

have no recommendation but what they derive from cloudy theories, and barren conjectures; and which, in their accompliſhment, WOULD REDUCE US TO THE LOWEST AND BASEST THRALDOM THAT WAS EVER EXPERIENCED UNDER THE BASEST AND LOWEST DEMOCRACY.

It muſt be confeſſed, however, that the whole guilt of ſuch proceedings as theſe, is not imputable to the faction I have deſcribed. Part of it is our own. We ourſelves encourage the efforts of the combination we condemn. We are all eye to the pettieſt blemiſh which can be diſcovered in the fabric of the conſtitution; and *the temple of Jupiter Capitolinus is deſpiſed, becauſe a particle of duſt is ſeen to reſt upon it.* We go further. Reſtleſs as the antient Romans, who knew how to bear neither ſlavery nor freedom*, we are diſcontented with what we have, becauſe we cannot obtain what we wiſh: and, if our kings be not perfect; if adminiſtration be not infallible; if deſign fail of ſucceſs, and the meaſure, planned in wiſdom, be defeated by contingency, at once do we erect the court of political calumny, and the tyranny of the inquiſition of Goa is outdone; cha-

racter

* Nec totam ſervitutem nec totam libertatem pati poſſumus. Tacitus. This ſentiment has been already ſarcaſtically applied to the Engliſh:

Et fit aimer ſon joug a l'Anglois indompté
Qui ne peut ni ſervir ni vivre en liberté.

Henriade.

racter is put to the queſtion, reputation is martyred, imaginary misfortunes are zealouſly protruded on the public eye, law is repreſented as profaned by miniſterial iniquity, and liberty herſelf is pictured as expiring in the mercileſs graſp of oppreſſion and of deſpotiſm.

If there be any thing which can render nations wretched, with whom liberty and law have delighted to reſide, it is this murmuring and factious temper. OMNIPOTENCE CAN CAST DOWN, AND CAN BUILD UP, BUT CAN NEITHER MAKE PUBLIC NOR PRIVATE MALIGNITY HAPPY. The freedom which we poſſeſs depends, both for continuance and effect, on the diſpoſition with which it is enjoyed: and however a ſtate, ſubſiſting under the influence of depravity, may, for a little time, preſerve ſomething of the appearance of health, and "boaſt a florid vigor not its own," yet the experience of all ages informs us, that true national ſtrength can be found only in the unanimity, integrity, and patriotiſm of the people, in that moral and political rectitude which can value liberty without loving licentiouſneſs, and prefer the inſtitutes of law to the incoherencies of faction.

I would not be thought to inculcate the paſſive obedience of ſlaves, or the mean ſubmiſſion of dependant ſycophants. No! God forbid! On the contrary, I deteſt the doctrine; and, I truſt, my fellow countrymen will never ceaſe to watch over the conſtitution with the eye of vigilance, to guard the leaſt

leaſt of their rights from the leaſt infringement, and to cheriſh the pure flame of liberty at their heart.

What is liberty? IT IS THE LIFE AND LIGHT OF NATIONS. IT IS THE SUN WHICH BEAMS GLORY ON THE MORAL AND INTELLECTUAL WORLD, AS WELL AS ON THE POLITICAL. It is that

> " which gives the flow'r
> Of fleeting life its luſtre and perfume,
> And we are weeds without it."

Look round the globe; dart your eye from the equator to the pole, and you will find that kingdoms flouriſh or decline, are barbarous or refined, but as they poſſeſs the bleſſing of liberty. Under the influence of liberty Greece became a univerſal Athens, and under the ſame liberty Kamtſhatka would become another Greece. To liberty, therefore, be conſecrated the talents and toils of men: and be the king or miniſter who attempts to deprive theſe nations of the ineſtimable bleſſing, uninteruptedly expoſed to the confederated hatred and hoſtility of the people. But, let not the declarations of venality be ſubſtituted for the animadverſions of public ſpirit; let honeſty and generoſity interpoſe, at leaſt to temper the malignity of popular invective; and LET IT NEVER BE FORGOTTEN, THAT IN LICENTIOUSNESS THERE IS DISGRACE, IN DISCONTENT INGRATITUDE, IN PARTY DANGER, IN DISCENSION CALAMITY.

The

The pure, wiſe, and equal adminiſtration of wholeſome laws, forms the firſt end and bleſſing of ſocial union; and this bleſſing is here enjoyed in a perfection which would be vainly ſought in any other nation of the world. No power—I have ſaid it before, and I would never ceaſe to impreſs it in the minds of my countrymen—no power, and no vengeance can caſt down the innocent; the mighty are feeble to injure, becauſe the laws are potent to defend; the oppreſſor and the oppreſſed are terms which have been totally expunged from the vocabulary of Engliſh freedom; and the moſt active ſearch could not diſcover, even among the loweſt and meaneſt of the multitude, a ſingle ſlave, except where paſſion and depravity had ſubjugated reaſon, and dethroned virtue. Is there a man who calls for juſtice? He is heard. Who demands right? He obtains it. Who truſts his property or his life to the deciſion of the judicature? He is taught, by the reſult, that independence, integrity, and wiſdom, preſide in the perſons, and ſanctify the lips of his judges. Some, it is true, in the moment of alarm, or under the inſtigation of party, are forward to impeach the conduct of our governors, and talk much of the treſpaſſes of power on the rights of liberty. But our governors dare not intrench on thoſe rights. They are men, and, therefore, may err; but, againſt their deſpotiſm, if they ſhould ever wiſh to become deſpotic, we are ſecured by a thouſand ſubſtantial barriers, by the ſpirit of the government, by the ſpirit of the conſtitution, by the ſpirit

of

of the people, which, like ſo many Pyrennees, intercept the progreſs of their ambition, and render tyranny impoſſible. I will not, therefore, merely aſſert, that the declamations of faction, the complaints of inquietude, and the imputations of craft, are unfounded and licentious things, which can alone miſlead the weak, and gratify the wicked, and which, while they are conſigned to oblivion by the wiſe, will be recompenſed with contempt by the patriotic: but I will aſſert likewiſe, that the leaſt of our rights is beyond the reach of the mightieſt of our rulers; that we poſſeſs a degree of political felicity which has been often envied, but never equalled; that, to ſay all at once, we inhabit a country which is the freeſt on the globe, if that be freeſt where integrity has nothing to fear, and guilt every thing; where law is the hope of the firſt, and the terror of the laſt; and where, in the ſceptre of power, the one recognizes his defence, and the other his puniſhment. It ſurely, then, behoves us, if there be any truth in this deſcription, to liſten with a cautious ear to the invectives of thoſe, who, ſtimulated by ſelfiſhneſs, and concealing evil deſigns under public-ſpirited profeſſions, call upon the populace to "ſhake off their grievances, to reform the ſtate, and to regenerate the nation." Such invectives can do no good. To permit the phrenzy of change, the "mutandarum rerum amor," which exiſts only to ſport in tempeſts, and exult in ſtorms of its own creating; to permit a temper, equally hazardous and wild, to innovate upon a conſtitution under which we enjoy ſo many benefits; to alter a machine ſo admirable in contrivance and felicitous

citous in agency; to dabble with an eſtabliſhment ſo wiſely fitted for uniting public force, and the ſtrict execution of the laws, with the happineſs of the ſubject, with order, with lenity, with mercy, with peace, with liberty:—this would ſpeak, not prudence but folly, not reaſon but levity, not the judgment and firmneſs of a people who know how to diſtinguiſh between true and falſe freedom, and will prefer the bleſſing which is, to the good which may be; but of a people who would ſtake certain treaſures for contingent wealth, and would renounce the poſſeſſion of ſolid realities, to indulge in the chaſe of fugitive ſhadows. Let the diſciples, therefore, of the Old Jewry, or of the ſchool of Mr. Paine or Mr. Mackintoſh, continue, with unbated ardor, to deſcant upon Britiſh ſorrows and Britiſh thraldom: enough, I truſt, will be found to deſpiſe the preſumption of ſeditious, and reſiſt the devices of turbulent ſpirits; and hope predicts the approach of that ſeaſon, when the plans of the new artificers of new rights will be forgotten, as the "clouds which are conſumed and vaniſh away;" when we ſhall be more eager to benefit by the happineſs we poſſeſs, than to go in queſt of that which is to be found only in the regions of ſpeculation; and when we ſhall not ſubmit to the ſlighteſt alteration in our government or our laws, without having firſt enquired whether the particular change will not injure the general ſyſtem, and whether the novelty to be introduced will make ſufficient compenſation for the danger of the introduction.

In

In no caſe, indeed, ſhould political alteration be permitted, until the conviction has been formed, that the magnitude of the evil juſtifies the danger of the experiment. That which is ſpecious is not always that which is juſt: abſtracted truth may frequently prove political falſhood: evil itſelf is to be eradicated at times, but with a ſlow and trembling hand; and, in the language of Hooker, IT IS FREQUENTLY DANGEROUS TO CHANGE ESTABLISHED FORMS, EVEN FROM WORSE TO BETTER. *Malum bene poſitum ne moveto.* There are diſorders in the ſocial frame, as well as in the human, which have a ſalutary tendency, which retard or prevent the progreſs of more perilous diſtempers, and to remove which might be to accelerate the approach of death. The wiſe man, therefore, will proceed in politics—not as the unfettered dæmon of ſpeculation would lead him; not according to the impulſe of a delirious imagination, or a wild and adventurous ſpirit;—but with RUMINATING PRECAUTION; WITH A STAID AND DELIBERATIVE PRESCIENCE; WITH A SALUTARY TIMIDITY, WHICH CONDUCTS THE EYE FROM THE PRESENT TO THE FUTURE, AND PATIENTLY SURVEYS WHAT MAY BE, BEFORE IT PRESUMES TO CHANGE WHAT IS. He, in fine, will advert to every thing, before he ventures to remove any thing: he will recollect, that the wiſeſt plans may be miſchievous, if not duly aſſociated with means and circumſtances: he will act under a conſciouſneſs, that a want of circumſpection

becomes

becomes the worſt of crimes, when the welfare of a people is at ſtake: he will "make no grand experiments, to aſcertain the portion of freedom which can be created by civil inſtitutions,*" becauſe ſuch experiments may propagate extreme miſery from nation to nation, and from age to age; and, inſtead of being ſolicitous to qualify the ſtate for his ſyſtem, by deſtroying conditions, diſſolving relations, extinguiſhing affinities, and confuſing orders, properties, and ranks, he will endeavour to qualify his ſyſtem for the ſtate, by adapting it to the habitual connections, and the reciprocal claims of men; by regarding, in its formation, not ſpeculative perfection, but morals, manners, diſpoſitions, and modes; and by framing it according to the true ſtandard of civil liberty, not the liberty of projectors, viſionaries, and philoſophers, but a liberty more or leſs reſtrained, as thoſe who are to be governed are unjuſt or juſt, as

* "Where would be the atrocious guilt," ſays Mr. Mackintoſh, in his Vindiciæ Gallicæ, "of a grand experiment to aſcertain the portion of freedom and happineſs, that can be created by political inſtitutions?"—What, ſir, is there no guilt in experiments, when millions of men are made the ſubjects? Phyſicians have been condemned, and, God knows, with juſtice, for trying on brutes the truth of their ſyſtems, or the power of their drugs: but, to hazard the welfare of a whole ſtate, perhaps through its whole exiſtence, for a theory, for a thing which time only can prove to be good or evil, would, I think, be a degree of political depravity, which language, in its boldeſt tone, could not ſuffice to condemn, and which nothing but madneſs could excuſe or palliate.

as they are moderate or intemperate, as they are wiſe and ignorant, as they put chains on their own appetites, or require them to be chained by the public law.

New arrangement in civil inſtitutions frequently produces conſequences very different from thoſe which it was deſigned to effect. Let the unſkilful builder remove a ſingle ſtone from the ſweep of an arch, and he, perhaps, deſtroys what he meant to decorate. In civil architecture the danger is the ſame; and if but a few of thoſe whoſe heads are crowded with deſigns of change, were admitted into the temple of the conſtitution, with permiſſion to alter what they deemed amiſs, there would not long be left one ſtone upon another, and the glory of nations would be levelled with the duſt. What innovation, then, ſhould be attempted, without a comprehenſive view, as well of its remote tendency, as of its immediate effect? And what ſhould be the courage of the ſtateſman, but that of the mariner, who will neither fling away his helm, nor cut down his maſt, until he certainly knows by what ſubſtitute his veſſel may be better enabled to bear the aſſaults of the winds and waves?

If this doctrine be of weight any where, it is of eſpecial moment to us. Our government "is a combination of oppoſing forces, a work of labour, long and endleſs praiſe, the various parts of which have

have gradually and almoſt inſenſibly, in a long courſe of ages, accommodated themſelves to each other, and to their common as well as ſeparate purpoſes.*" Here, therefore, change ſhould be hazarded with peculiar caution. We have much to looſe by raſh experiment, and little to gain. We can riſque nothing without folly and without danger: and we ſhould never ceaſe to remember, that, by temerity of alteration, we might at once deſtroy what the toil of centuries has with difficulty accompliſhed for us, and what the toil of centuries might not be able to reſtore.

Upon the whole. We live under a conſtitution which almoſt equals whatever was contemplated in the ſublime viſions of a Plato, a Fenelon, or a More; and we have had reaſon to conclude, that, however Paine may inveigh, and Prieſtley may condemn, we poſſeſs all thoſe rights and liberties, which, did we but add to them temperate wiſhes and induſtrious hands, would ſpeedily enable us to attain the eminence of national proſperity. What, then, is our duty? — To SECURE THE BENEFIT OF THE LAWS, BY SETTING AN EXAMPLE OF OBEDIENCE TO THEIR DECREES; TO ENJOY THE BLESSINGS OF A WISE ESTABLISHMENT WITHOUT FACTIOUS DISCONTENT; TO PROFIT BY LIBERTY WITHOUT PROMOTING LICENTIOUSNESS; AND TO BE CAREFUL OF THE COMMON RIGHTS, WITHOUT ACTING

* See Mr. Burke's ſecond Letter, p. 54.

ACTING IN CONCERT WITH THE ZEALOTS OF ANY PARTY, HOWEVER GREAT IN NAME, OR SINGULAR IN ABILITY, OR ILLUSTRIOUS IN STATION.

I have the honour to be,

My LORD,

Your LORDSHIP's moſt obliged,

And moſt obedient ſervant,

JEROM ALLEY.